



# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: IX

DATE: Tuesday, May 24th, 1988

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

-----  
Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St.  
Thunder Bay, Ontario, on Tuesday,  
May 24th, 1988, commencing  
at 1:00 p.m.

-----  
VOLUME IX

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member







A P P E A R A N C E S

MR. V. FREIDIN )	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY )	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER )	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURING
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS	ONTARIO FEDERATION OF
	ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL
	COUNCIL
MR. F. CASTRILLI )	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. MCKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	







APPEARANCES: (Cont'd)

MR. J. W. ERICKSON)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK )	MUNICIPAL COMMITTEE
MR. D. SCOTT )	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH )	PRODUCTS
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON





APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

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I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
28	Report of the Audit, Forest Management Activity, Ministry of Natural Resources, by the Office of the Provincial Auditor dated 1986.	1434
29	Document entitled: Statistics 1987 by the Ministry of Natural Resources.	1436
30	Map of Crown Timber Licences in numerable locations in Ontario.	1449
31	Forest Management Agreement, Second Five-Year Review, 1981-1986.	1477
32	Document entitled: Guidance for the Organization Management System, Towards the 80s published	1497





1 ---Upon commencing at 1:00 p.m.

2 THE CHAIRMAN: Thank you, ladies and  
3 gentlemen. Good afternoon.

4 We are now ready to commence with the  
5 cross-examination by Mr. Edwards, unless there is  
6 anything of a preliminary nature that anyone wants to  
7 deal with.

8 The Board does want to indicate to the  
9 parties that we believe there was some informal  
10 discussion last week about the possibility of the Board  
11 commencing with some site visits for the first week of  
12 July that we will be sitting.

13 If that is the case, then I assume that  
14 the various parties are getting together to try and  
15 ascertain where the Board should go, what the Board  
16 should see, and whether or not there can be any  
17 agreement as to who will accompany the Board on those  
18 visits.

19 At such time as the parties have made  
20 some kind of -- or have reached some kind of agreement,  
21 or if they fail to reach some kind of agreement, the  
22 Board would like to at least have a preliminary  
23 indication of the form that those site visits will  
24 take, how you intend to visit these places.

25 I assume that many of these places will

1 have to be visited by either either aircraft or  
2 helicopter as opposed to travelling for miles and hours  
3 by road or train; is that not correct, Mr. Freidin?

4 MR. FREIDIN: What we are hoping to do is  
5 put together a package which we would obviously bounce  
6 off everyone else, but helicopter is the preferred  
7 method of travelling.

8 THE CHAIRMAN: Okay. And if we were to  
9 go in that first week, was it the idea of yourself and  
10 some of the other parties to devote a good part of that  
11 first week, or would we just be devoting one or two  
12 days, or how would that work?

13 MR. FREIDIN: I would just like to hold  
14 back on exactly how long it might be. I think tha what  
15 is being planned is something which will take a week  
16 and it is only one of a number of site visits that the  
17 proponent will be suggesting that the Board...

18 THE CHAIRMAN: Well, that's right. I  
19 think the Board indicated during the preliminaries that  
20 it would want to make some site visits in different  
21 seasons as well to get an idea of what the various  
22 areas look like, say, in the wintertime and in the  
23 cutting season and whatnot.

24 MR. FREIDIN: I might be able to advise  
25 you a little bit better in a couple of days when Ms.

1       Murphy gets back from Toronto about the progress we've  
2       made regarding transportation and speaking to other  
3       people.

4                       THE CHAIRMAN:   And one last thing:  Would  
5       it be your intention to return to Thunder Bay each  
6       evening?

7                       MR. FREIDIN:   On that particular trip, if  
8       it is similar to the ones that I am familiar with, we  
9       would not be returning every evening.

10                      THE CHAIRMAN:   Very well, thank you.

11                      Mr. Edwards?

12                      MR. EDWARDS:   Thank you, Mr. Chairman.

13                      Mr. Chairman, before I commence, I have a  
14       preliminary matter.

15                      In my opening submissions to the Board I  
16       identified a park which I located as being within the  
17       confines of the City of Thunder Bay; that is to say,  
18       Hazlewood Park.

19                      I stand corrected.  I checked on the  
20       weekend and discovered that it is in fact 4.2 miles  
21       from the boundary of the City of Thunder Bay, although  
22       it is within Lakehead Region Conservation Area, and I  
23       think the point that I was attempting to make in my  
24       opening submissions remains valid; that is to say, that  
25       planning which is done in a sensitive fashion can



1 preserve a wilderness effect even near urban areas.

2 And although I was incorrect in the  
3 information, I think the point remains valid and I just  
4 wanted to draw that to the Board's attention as soon as  
5 I learned of it to make sure I wasn't providing the  
6 Board with any misinformation.

7 THE CHAIRMAN: Thank you.

8 RICHARD M. MONZON,  
9 LARRY A. DOUGLAS, Resumed

10 CROSS-EXAMINATION BY MR. EDWARDS:

11 Q. Mr. Monzon, in your  
12 examination-in-chief you identified -- you talked about  
13 the MNR's activities in access, harvesting, renewal and  
14 maintenance and you indicated that on Crown units the  
15 MNR is involved in all but the harvesting.

16 Do you recall that evidence?

17 MR. MONZON: A. Yes, that's correct.

18 Q. And on forest management units, the  
19 role is one of monitoring but not on-the-ground  
20 supervision. Do you recall that evidence?

21 A. I recall the discussion. Yes, I  
22 think that's correct.

23 Q. Would that be a proper description of  
24 the MNR's involvement; is monitoring but not  
25 on-the-ground supervision?

1                   A. I am honestly not sure of the total  
2 extent of the difference between the work that MNR  
3 would be doing relative to monitoring on-the-ground  
4 supervision between the Forest Management Agreement  
5 Units or the company units. I think generally, your  
6 statement is correct.

7                   Q. Do you recall giving evidence  
8 generally to that effect?

9                   A. Yes.

10                  Q. You also talked about the fact that  
11 third parties can become involved through the process,  
12 and I believe you used the word contractually.

13                  Do you recall that as a fair summary of  
14 your evidence?

15                  A. I believe so.

16                  Q. And you have indicated -- you used a  
17 figure of 70 per cent as the MNR involvement and I was  
18 not quite clear on what point you were wishing to make  
19 with that statistic.

20                  Are you able to help me out in that, sir?

21                  MR. FREIDIN: I recall there being  
22 evidence about 70 per cent being companies, but I don't  
23 remember any evidence about MNR being involved 70 per  
24 cent.

25                  MR. EDWARDS: I see.

1 Q. You don't recall at this time, sir?

2 MR. MONZON: A. Not the specifics.

3 Q. I would like to raise with you the  
4 issue of third party involvement. How much involvement  
5 were you talking about? How much of the cutting is  
6 done by third parties?

7 A. I couldn't give you an estimation as  
8 to that, it's not in my area of expertise.

9 Q. Would it be in Mr. Douglas'.

10 MR. DOUGLAS: A. No. Q. No. Is the  
11 control of third party licence holders a problem for  
12 the MNR?

13 MR. MONZON: A. How do you mean problem?

14 Q. I believe it was Mr. Douglas who  
15 described the fact that from time to time their  
16 commitment to the principle of integrated resource  
17 management is less than a hundred per cent by the MNR,  
18 and perhaps even less than that, I would suggest, by  
19 the large forest companies.

20 And I am suggesting that the commitment  
21 of third party licence holders to the principle of  
22 integrated resource management is known to be less than  
23 enthusiastic.

24 Would you agree with that?

25 A. In all honesty, I am really not in a



1 position to say.

2 Q. Are the contracts with third party  
3 licence holders public?

4 A. Certainly in terms of the licences  
5 that they hold, yes.

6 Q. The licences are a public document?

7 A. I would think so, yes.

8 Q. Are the third party contracts, third  
9 party agreements, are those a public document?

10 A. I am sorry, I think we are talking  
11 about one in the same.

12 Q. Well, I am talking about the Crown  
13 timber licence from the Timber Sales Branch. That is a  
14 public document?

15 A. I believe so.

16 Q. And the so-called third party  
17 agreement, is that a public document?

18 A. Again, I would believe so. It is,  
19 again, not in an area that I am totally familiar with.

20 Q. Sir, I'm producing and showing to you  
21 a document called The Report on the Audit, Forest  
22 Management Activity, Ministry of Natural Resources, by  
23 the Office of the Provincial Auditor.

24 I have copies for the Board members, if  
25 they don't already have them. (handed)

1 THE CHAIRMAN: Thank you.

2 MR. EDWARDS: And I have as many copies  
3 as the MNR has produced to me.

4 THE CHAIRMAN: We need a copy for the  
5 court reporter as well, if you don't mind.

6 MR. EDWARDS: Yes, Mr. Chairman.

7 THE CHAIRMAN: Mr. Edwards, this will be  
8 Exhibit No. 28, entitled Report on the Audit, Forest  
9 Management Activity, Ministry of Natural Resources, by  
10 the Office of the Provincial Auditor and it is, I  
11 believe, dated 1986.

12 ---EXHIBIT NO. 28: Report of the Audit, Forest  
13 Management Activity, Ministry of  
14 Natural Resources, by the Office of  
the Provincial Auditor dated 1986.

15 MR. EDWARDS: Q. Sir, if you would  
16 please turn to page 3 of the audit, I would ask you to  
17 address yourself to the paragraph at the bottom.

18 "As of May 1985 there were 22 FMAs  
19 covering 11.3-million hectares of Crown  
20 land and 360 other licences covering  
21 9.4-million hectares."

22 Sir, in 1985, of those 360 other  
23 licences, would some of those have included so-called  
24 third party licences?

25 MR. MONZON: A. I would think so, but I

1 am not in a position to indicate how many.

2 Q. Would you be in a position to know  
3 how many were licences from the Crown to the major  
4 companies on the limits often known as Crown -- or the  
5 company limits?

6 A. I don't have those numbers.

7 Q. Is it fair to say that the number of  
8 non-FMA land is decreasing as time goes on?

9 A. I am sorry, what was that?

10 Q. Is it fair to say that the total  
11 number of hectares which are licensed outside of FMAs  
12 is a decreasing number?

13 A. Yes, that's correct. As more FMAs  
14 are signed, the area that is -- for example, was  
15 formally a company management, would become an FMA unit  
16 and, therefore, the outside area outside would go down.

17 Q. Sir, I think that information -- that  
18 evidence you have just given us would be confirmed in a  
19 document which I am now producing and showing to you  
20 entitled Statistics 1987, Ministry of Natural  
21 Resources.

22 I will ask you to turn to page 24 of that  
23 document, please.

24 THE CHAIRMAN: Exhibit 29. The document  
25 it entitled Statistics 1987 by the Ministry of Natural

1 Resources.

2 ---EXHIBIT NO. 29: Document entitled Statistics 1987  
3 by the Ministry of Natural  
Resources.

4 MR. EDWARDS: Q. Sir, at page 24 of that  
5 document is set out a table at the top which indicates  
6 the timber licences under the Crown Timber Act area in  
7 square kilometres, that's not in hectares, at March  
8 31st.

9 And it would appear to indicate, would  
10 you agree, that for the years 1983 until 1987 there has  
11 been declining acreage in Crown timber licences?

12 MR. MONZON: A. Yes.

13 Q. You would also agree; would you, sir,  
14 that the second table would appear to relate to Forest  
15 Management Agreements and it would appear, although it  
16 is not clear from the table - or as clear as one might  
17 want - that that is to describe the number of square  
18 kilometres under Forest Management Agreements from the  
19 years '83 to '87?

20 A. Sorry, this is under the column  
21 entitled Under Section 6?

22 Q. Forest Management Agreements.

23 A. Yes.

24 Q. It would appear that the year '83  
25 would relate to the figure 79,627.8.



1 A. Yes.

2 Q. And the year 1987 would relate to the  
3 figure 150,625.9?

4 A. Yes.

5 Q. Yes, thank you. Would you agree,  
6 sir, that there remains a significant component of  
7 forest management in Ontario which is outside of the  
8 FMA structure?

9 A. Yes, I would agree with that.

10 Q. Does the public have the right to  
11 know who is doing the cutting on the third party  
12 licence areas?

13 A. Certainly.

14 Q. Is there any secret technical or  
15 scientific concerns which would warrant concealing or  
16 withholding any of that type of information from the  
17 public, as far as you know?

18 A. Nothing that occurs to me initially.  
19 I would want to know, in all honesty to just do some  
20 checking relative to the Freedom of Information Act in  
21 terms of the type of information that is set down in  
22 those third party agreements.

23 But, assuming there is nothing in the  
24 Freedom of Information Act, I see no problem.

25 Q. Your answer is you suspect or you

1 generally believe that the information is public?

2 A. I would generally believe it is,  
3 again, subject to the Freedom of Information Act.

4 Q. Do you recall as a term of every  
5 preprinted licence to cut Crown timber that each would  
6 contain the following phrase:

7 "That an assignment, pledge or a charge  
8 of a licence or permission to cut on a  
9 licensed area, shall not have any force  
10 or validity unless the Minister has  
11 consented thereto in writing."

12 Do you recall that that might be a term  
13 of every Crown timber licence?

14 A. To be honest, I have not looked at  
15 Crown timber licences in any detail for a long time.

16 Q. Without wanting to enter one in the  
17 record as it relates to a specific party or person not  
18 a party to this action or to that matter, I am just  
19 going to produce page 4 of the Crown timber licence, if  
20 I may, to the witness, Mr. Chairman.

21 Would that document appear to bear the  
22 verse I just read to you?

23 A. Yes, it would.

24 Q. And would it be your belief that that  
25 would be Ministry policy, not to allow a transfer of

1 cutting rights without the MNR consenting in writing?

2 A. Yes.

3 Q. Does the MNR have a concern about who  
4 is actually doing the harvesting in the forest?

5 A. I am not sure what you mean by  
6 concern. If you mean it just in terms of standard  
7 recordkeeping and knowing what individual, what  
8 companies are undertaking harvest activities in the  
9 forest, the answer is yes.

10 Q. That's what I meant, thank you.

11 Is the licensing stage the stage where  
12 many of the controls with respect to silvicultural  
13 practices are imposed?

14 A. You are outside my area of expertise,  
15 but I believe the answer would be no.

16 Q. Would Mr. Douglas know the answer to  
17 that question?

18 MR. DOUGLAS: A. I have no expertise in  
19 that area.

20 Q. Is it not -- perhaps we will hear  
21 that evidence from another panel, would we?

22 Can Mr. Freidin assist me as to which  
23 panel that might be?

24 MR. FREIDIN: Mr. Armson probably will be  
25 able to answer that question for you.

1 THE CHAIRMAN: He is being called in the  
2 next panel; is he not?

3 MR. FREIDIN: Yes.

4 MR. EDWARDS: Q. Sir, your evidence on  
5 this point would then be that you do not know whether  
6 conditions are often imposed on the licences with  
7 respect to silvicultural practices?

8 MR. MONZON: A. I could not state for  
9 sure one way or the other. My recollection is that at  
10 one time in the past they have been, but my  
11 recollection would also be that more specific  
12 conditions relative to silvicultural operations could  
13 be imposed either with work permits or annual cutting  
14 approvals.

15 Q. Sir, would it be the case that the  
16 so-called third party agreement would be regularly  
17 attached to the Crown timber licences and the terms and  
18 conditions with respect to silvicultural practices  
19 would therein be set out?

20 A. Again, you are outside my area of  
21 expertise. I don't know whether they would be attached  
22 as a matter of course from a record standpoint, and I  
23 am not sure in terms of the binding obligations, or the  
24 legal obligations, that a third party operator would  
25 have relative to abiding to the terms and conditions of



1 a larger licence.

2 My intuition tells me that third party  
3 operator would be liable to ensure that those  
4 conditions are carried forward or carried out.

5 Q. Your intuition suggests that the  
6 third party operator would be liable to whom?

7 A. To the Crown.

8 Q. Thank you. If --

9 A. Excuse me, would be liable to carry  
10 out the terms and conditions contained in the licence.

11 I can't recall the legal contractual  
12 arrangement between the third party operator and the  
13 company, or a third party operator and the Crown.

14 Q. Would it be the case that the company  
15 is totally absolved of any obligations to the Crown and  
16 the third party takes over and assumes all obligations  
17 to the Crown; would that be familiar to you?

18 A. Well, it is certainly a scenario as  
19 you put forward, but, again, it is outside my area of  
20 expertise.

21 Q. All right. Perhaps I will move on,  
22 but I just have a couple more questions in this general  
23 area, sir.

24 Is it generally true throughout the  
25 forest industry that the larger companies are seeking

1 to divest themselves of their employment force in the  
2 woods by hiring independent operators?

3 A. I really have no basis of knowledge  
4 to comment one way or the other on that.

5 Q. Do you recall a lengthy strike at the  
6 Boise Cascade Company in the Rainy River and Kenora  
7 Districts several years ago?

8 A. Yes, I do.

9 Q. Do you recall that that was an issue  
10 in that strike?

11 A. I recall that allegation being made.

12 Q. Yes. Do you recall that a similar  
13 allegation has been made in the Kimberly-Clark strike,  
14 which I believe is ongoing, unless it was settled on  
15 the weekend?

16 A. To be perfectly honest, no, I am not  
17 aware of it.

18 Q. I see. If the third party licensee  
19 fails to meet its public obligations, what remedies  
20 would the MNR -- or would the MNR be concerned so as to  
21 seek to impose certain sanctions?

22 A. Again, you are outside my area of  
23 expertise. I believe it would relate to the legal  
24 obligations the third party operator has to either the  
25 company and/or the Crown, and it would follow from

1       that.

2                   Q. Mr. Douglas, if I might address this  
3 question to you, sir.

4                   I believe it was your evidence about the  
5 degree of commitment of persons or actors in the forest  
6 industry to the principle of integrated resource  
7 management which causes me to ask it to you.

8                   Do you have any experience, sir, with the  
9 degree of difficulty, if any, in controlling the  
10 silvicultural practices of third party licencees?

11                  MR. DOUGLAS: A. I have not had any  
12 experience for which to make that judgment.

13                  Q. We have heard much in this case so  
14 far, Mr. Monzon, about the use of the word audit, but  
15 if one were to look at Dr. Baskerville's Report, I  
16 believe there is a brief definition from the dictionary  
17 in there.

18                  But is it your understanding that an  
19 audit involves random checks to confirm actual data in  
20 a limited number of cases so that one can perhaps  
21 determine whether the system generally is working?

22                  Would that be a fair layperson's  
23 description of what an audit does?

24                  A. Yes, that is certainly one  
25 interpretation. There are many interpretations around

1 now because the -- but, certainly that is one.

2 Q. And if the random sample comes back  
3 true and correct, one might reasonably assume the  
4 system to be working?

5 A. Presumably given that they were  
6 given -- and presuming that the sample is such that the  
7 results are statistically accurate, yes.

8 Q. All right. Sir, I don't for a second  
9 expect you to be able to answer the following several  
10 questions today, but I am going to put them to you and  
11 ask you to consider undertaking to provide an answer,  
12 and I am just going to give you a number of what I hope  
13 are easy questions.

14 Sir, would you be able to tell me or give  
15 evidence as to which corporate person or business did  
16 the harvesting on a number of timber licences, which I  
17 am about to give you --

18 MR. FREIDIN: Is this harvesting?

19 MR. EDWARDS: Did the harvesting, did the  
20 cutting of the trees, and carried out the forestry  
21 practices, let's put it that way.

22 If you have a pen, I will give them to  
23 you, there are six which I have chosen out of --  
24 literally at random.

25 Licence No. 502501 for 1986/87 -- all of



1       these I believe are in the Thunder Bay -- I always get  
2       these words confused, but they are all relatively close  
3       to Thunder Bay, whether it is a region or district.

4                     It would be certainly, I think, in the  
5       Judicial District of Thunder Bay, if that's any help.

6                     Licence No. 500713 from May of 1983;  
7       licence No. 500721, May of '84; licence No. 500726,  
8       March of '84; and 500727 and 500728, all from March of  
9       '84.

10                    MR. MONZON: A. Well, you're right, I  
11       can't answer the question.

12                    Q. I didn't expect you, Mr. Monzon, to  
13       have that today. But, sir, do you think you will be  
14       able to advise us as to who was actually carrying out  
15       the forestry practices--

16                    A. Yes.

17                    Q. --in these cutting areas?

18                    A. I think we should be able to do that.  
19       Can I just read the numbers back to you to make sure I  
20       have them?

21                    Q. Sure, go right ahead.

22                    A. Starting at the top and moving down,  
23       502501, 86/87; 500713 of May '83 -- I am assuming you  
24       mean through to the present.

25                    Q. The actual number will have changed.

1       There are -- in some cases, I believe the numbers will  
2       have changed as it has moved closer in time.

3               A. But in terms of that one, you are  
4       talking about the five-year period from May '83 through  
5       to May '88?

6               Q. If you are able to do that, please,  
7       yes.

8               MR. FREIDIN: Was that your intention or  
9       were you just -- because the licence numbers change,  
10      as I understand you, you just want to know who did the  
11      cutting when the licences was that particular number in  
12      May of 1983.

13              MR. EDWARDS: That was my original  
14      question. If Mr. Monzon is able, without difficulty,  
15      to come up with any of the more recent in time  
16      information I would be interested in hearing it.

17              THE CHAIRMAN: Mr. Freidin and Mr.  
18      Edwards, how do you propose to handle the evidence  
19      whereby one of the panel members of any of the panels  
20      agrees to produce something later on?

21              Is the evidence or that information going  
22      to come in through Mr. Freidin without recalling all of  
23      these witnesses and, therefore, not be subject to  
24      further questioning on it?

25              What I am getting a little concerned

1 about is the number of undertakings that we are  
2 building up that may necessitate, if you and the Board  
3 are not thinking along the same lines of, in effect,  
4 recalling the panel and going through another session  
5 with the panel again.

6 MR. EDWARDS: Mr. Chairman, the proposal  
7 that I would have with respect to that is as follows:

8 I believe the informatin ought to be  
9 available. If it is not -- or if it is, I think Mr.  
10 Freidin could confirm that for me and Mr. Freidin could  
11 confirm to the Board that I am satisfied with the  
12 answer that I got.

13 If I have some dissatisfaction with the  
14 answer, I would then invite the Board to consider what  
15 those dissatisfactions are and perhaps a ruling would  
16 be appropriate at that time.

17 I don't anticipate having to recall the  
18 witness or I am not...

19 THE CHAIRMAN: Okay. Well, the Board  
20 would certainly prefer, if information of this type is  
21 going to be produced later on, that the witnesses not  
22 be recalled; you are just provided with that  
23 information and do with it as you like, or deal with it  
24 through another panel.

25 If there is specific information that is

1 provided that necessitates a recall, I think you are  
2 going to have to apply to the Board at the appropriate  
3 time.

4 MR. EDWARDS: Thank you.

5 Q. Sir, I am producing and showing to  
6 you a map entitled Crown Timber Licences in numerable  
7 locations which counsel for the MNR was so kind as to  
8 locate on the weekend for me. There is only one copy,  
9 I believe, that has been reproduced.

10 I could perhaps ask the witness if he is  
11 familiar with that map?

12 MR. MONZON: A. Yes, I have seen maps  
13 like this before.

14 MR. EDWARDS: I see. Perhaps I could  
15 just pass it in front of the board, Mr. Chairman, and  
16 then the witness may be able to refer to it.

17 THE CHAIRMAN: What about everybody else  
18 seeing it as well?

19 MR. EDWARDS: Shall I take a survey of  
20 the room?

21 THE CHAIRMAN: Well, no, but could you  
22 not put it up on the board there and ask your questions  
23 from there?

24 MR. EDWARDS: They may have some  
25 difficulty seeing it.



1 THE CHAIRMAN: We will mark that as  
2 Exhibit 29 --

3 MR. MARTEL: 30.

4 THE CHAIRMAN: Sorry, Exhibit 30. And  
5 what do you want to call this, Mr. Edwards?

6 MR. EDWARDS: Well, it has already got a  
7 title, Mr. Chairman. It is the Map of Crown Timber  
8 Licences in numerable locations in Ontario.

9 MR. FREIDIN: Exhibit 30?

10 THE CHAIRMAN: That is correct, it is  
11 Exhibit 30, I made an error.

12 ---EXHIBIT NO. 30: Map of Crown Timber Licences in  
13 numerable locations in Ontario.

14 MR. EDWARDS: Q. Sir, referring  
15 generally to this map, would you agree that it sets out  
16 the larger areas of Crown timber licences by name of  
17 company throughout much of the area of the undertaking?

18 MR. MONZON: A. Yes, that's correct.

19 Q. For example, there is Abitibi-Price  
20 Inc. has a large lot which would appear to be just to  
21 the northwest of the City of Thunder Bay.

22 James River, Marathon, for example, has a  
23 large block just to the north of Pukaskwa National  
24 Park, for example.

25 A. That's correct.

1 Q. Are the boundaries on those licences  
2 identical to FMA boundaries in all cases?

3 A. I don't think so. But, again, that  
4 is something that would be outside my immediate area of  
5 expertise. In some cases they could be, in some cases  
6 there may be deviations.

7 Q. Is the fact that there are deviations  
8 or that there may be deviations, is that known to be a  
9 problem in terms of managing the silvicultural  
10 practices on particular areas?

11 A. No. Generally, no - and keeping in  
12 mind that we are sort of a little outside my area of  
13 expertise - generally when an FMA is signed, the FMA  
14 boundary, in most cases I believe, corresponds to the  
15 previous licence boundary.

16 In some cases, though, that may change  
17 and, in fact, a new licence boundary will be designed  
18 for whatever reason.

19 Q. During your examination-in-chief I  
20 believe both you and Mr. Douglas indicated that FM  
21 units were generally not larger than the geographical  
22 units which the MNR uses for its administrative  
23 purposes.

24 Do you recall either of you giving that  
25 evidence? I believe it came out of both of you

1 actually at different times.

2 A. Yes.

3 Q. Specifically, are there instances  
4 where the FM unit is larger than the geographical unit?

5 A. To be honest, I am not aware of such  
6 a situation.

7 Q. Are the boundary issues; that is to  
8 say, the overlapping of different boundaries, a  
9 constant source of complaint particularly with respect  
10 to the interests of tourist operators, Mr. Monzon?

11 A. Without trying to be -- put too fine  
12 a point on it, I am not aware that the differences in a  
13 forest management unit boundary and an administrative  
14 unit boundary of the Ministry - that is a district or  
15 regional boundary - would be a major problem relative  
16 to a particular -- relative to tourist operators.

17 I can understand that in some cases it  
18 certainly has been, I am not sure to the extent that it  
19 is a major problem now.

20 Q. Are you familiar with Fox Lake in the  
21 Wawa District -- pardon me, in the Sudbury District?

22 A. No.

23 Q. No. Are you familiar with a  
24 complaint that the lake -- on one side of the lake,  
25 which was operated by a tourist outfitter, was clearcut

1 to the shore on one side and had a generous reserve  
2 left on the other side because they were in different  
3 districts?

4 A. No, I am not aware of that situation.

5 Q. Are you familiar with many complaints  
6 from tourist operators with respect to roads to nowhere  
7 on maps, in the sense that the road is always running  
8 off the boundary, off the edge of the map and one can't  
9 tell where it is going to?

10 Have you heard of those complaints from  
11 tourist operators, sir?

12 A. I have not heard of those complaints.

13 Q. Have you heard of a constant demand  
14 for overlay maps so that the - and I put this word in  
15 quotation - so that the "progress" of forest road  
16 construction can be monitored on an annual basis?

17 A. No, I have not heard of those  
18 requests.

19 Q. Will a mapping expert from the MNR be  
20 called?

21 MR. FREIDIN: I have no intention of  
22 calling a mapping expert at the moment.

23 MR. EDWARDS: Q. Is there, sir, Mr.  
24 Monzon --

25 MR. FREIDIN: I must say, I am not too



1       sure what a mapping expert is.

2                   MR. EDWARDS:  Q.  Well, Mr. Monzon, you  
3       recall your evidence that generally the staff were  
4       trained in ensuring that different boundaries did not  
5       create problems as part as integrated planning?

6                   MR. MONZON:  A.  Yes.

7                   Q.  And you personally are not familiar  
8       with any complaints or concerns in that area, but who  
9       is then, sir, the expert who co-ordinates that  
10      situation?

11                  A.  That would be done at the district  
12      level through the district manager.

13                  Q.  I see.  When you were talking about  
14      the district -- the MNR managers, you - I believe it  
15      was either you, I am not sure, it may have been Mr.  
16      Douglas - described them as people trained in  
17      integrated resource management.

18                  And it is very important, would you  
19      agree, that they are people who are familiar with the  
20      territory that they are working on, with "field"?

21                  A.  Yes.

22                  Q.  And at pages 112, 123 and 124 of the  
23      Environmental Assessment Document, I believe there is  
24      reference to this policy.

25                  I might direct your attention, sir, and

1 the Board's attention to page 112, the third paragraph.  
2 This is a discussion of the necessity of having  
3 information to take action.

4 The sentence reads -- or would you agree,  
5 sir, that the sentence reads as follows:

6 "Existing information on other natural  
7 resource features, land uses and values;  
8 e.g. mineral resources, fishing,  
9 wildlife resources, and recreational  
10 resources and uses is available at MNR's  
11 district offices in the form of maps,  
12 files and reports and knowledge of local  
13 MNR staff."

14 At page 123, the second paragraph --  
15 second full paragraph:

16 "In the development of the silvicultural  
17 groundrules, the management unit  
18 forester applies his/her professional  
19 expertise and makes use of a variety of  
20 information sources. Various documents,  
21 such as MNR's Provincial Silviculture  
22 Guides (refer to Part II, Chapter 1) and  
23 an assortment of professional and  
24 scientific literature represent a  
25 published information base. Local

1 information and knowledge pertaining to  
2 the site conditions encountered in the  
3 management unit and knowledge and  
4 experience gained on the management unit  
5 are also considered."

6 And at page 124, the third paragraph,  
7 could I refer you to this one:

8 "Information on past management practises  
9 on the management unit is obtained from a  
10 variety of sources. The local knowledge  
11 and experience of the management unit  
12 foresters and forest technicians and  
13 their predecessors and analysis of the  
14 results of previous management plans  
15 serve as important sources of  
16 information, in particular,  
17 recommendations arising from an analysis  
18 of the required report of past forest  
19 operations in each timber management plan  
20 are an important contribution."

21 Sir, those three quotations that I have  
22 made, do they highlight the MNR's concern for  
23 on-the-ground knowledge relevant -- the fact that the  
24 district manager and the people in the unit are greatly  
25 relied on?

1                   A. Yes, that's correct. That is where  
2 we have attempted to focus most of the decision-making  
3 relative to resource management planning.

4                   Q. And given your evidence just the  
5 other day, you talked of the requirement of having some  
6 flexibility at the local level or flexibility to avoid  
7 slavish adherence to a plan.

8                   Do you recall that?

9                   A. Yes.

10                  Q. How many district managers or acting  
11 managers have there been in the Wawa District in the  
12 last five years?

13                  A. In the last five years?

14                  Q. In the last five years. Could I  
15 suggest, sir, that the number is five, or would you  
16 know?

17                  A. I don't know. I was going to say  
18 three, but if you have the information I will accept  
19 that.

20                  Q. Managers and acting managers you  
21 wouldn't know. Would you check on that for me, please?

22                  A. The number in the past five years?

23                  Q. Please. Is it your experience that  
24 the MNR receives a lot of complaints from tourist  
25 operators about the MNR representing one thing to the



1 public and then doing something else?

2 Is that a generally fair proposition or a  
3 totally unfair proposition?

4 A. What I am aware of from past  
5 experience - and this is going well back in my working  
6 history - is that tourist operators have had a concern  
7 that the Ministry of Natural Resources is not always  
8 looking out for their best interests.

9 Q. Referring to the Wawa District, since  
10 it was the one that you highlighted in your  
11 examination-in-chief, are you familiar with complaints  
12 about the silvicultural practises at the south end of  
13 Oba Lake?

14 A. No.

15 Q. Is there such a thing as an  
16 accelerated regeneration program; does the MNR have  
17 such animal?

18 A. There very well could be within the  
19 forest resources group. It would not be unusual that I  
20 would not be aware of the specifics of that.

21 Q. Would Mr. Douglas be aware of the  
22 representation by the MNR that an accelerated  
23 regeneration program would take place around the south  
24 end of Oba Lake?

25 MR. DOUGLAS: A. I wouldn't know that

1 site-specific information. If that is, in fact, the  
2 case, it would be identified in the timber management  
3 plan for the area.

4 Q. I see. Would you -- is it the case  
5 that from time to time regeneration cannot take place  
6 at all because of the terrain; that is to say,  
7 regeneration of standard silvicultural practises to  
8 regrow a forest?

9 MR. MONZON: A. Well, there will  
10 certainly be instances where you would not use  
11 mechanical means to treat the site in order to prepare  
12 the site for regeneration.

13 Q. If it was the case that the tourist  
14 operators at the south end of Oba Lake had agreed to a  
15 proposal for accelerated regeneration and were  
16 subsequently told that no regeneration whatsoever could  
17 take place because of the terrain, would that -- if  
18 that purely hypothetical case were true; would that, in  
19 your view, be a legitimate ground of complaint with the  
20 MNR's management of the unit?

21 A. Yes.

22 Q. Are you familiar, sir, with a number  
23 or many complaints that reserves around water resources  
24 that are habitually abused?

25 A. I am aware that there is -- that for

1 a number of years NOTOA has had a general concern  
2 relative to the use of "reserves" around water  
3 resources.

4 Q. Are you familiar with Kabi Lake which  
5 is identified as an Al lake trout lake at page 118 of  
6 the District Land Use Guidelines in the Wawa District?

7 A. I would be familiar with it to the  
8 extent that I would be able to locate it on the map.

9 MR. FREIDIN: What is the name of the  
10 lake?

11 MR. EDWARDS: Kabi. It is a very long  
12 name and there are actually several lakes in that  
13 district which begin with the letters k-a-b-i.

14 It is the one that is listed as an Al  
15 lake trout lake at page 118 in the District Land Use  
16 Guidelines.

17 Q. Are you familiar, sir, with the fact  
18 that the 600-foot reserve around that lake was cut to  
19 100 feet during this past winter?

20 MR. MONZON: A. No.

21 MR. FREIDIN: I take it Mr. Edwards is  
22 going to be undertaking to call -- is he going to be  
23 calling evidence about these particular statements or  
24 allegations that, you know, suggestions he is making to  
25 the witness?

1 MR. EDWARDS: I will obviously have to do  
2 that if the witness can't confirm it.

3 Q. Just on the issue of reserves, Mr.  
4 Douglas. Mr. Castrilli questioned you on the fact of  
5 the deletion of the so-called -- the automatic 400-foot  
6 reserve. Do you recall that area of his questioning?

7 MR. DOUGLAS: A. Yes, I do.

8 Q. You indicated that the policy -- the  
9 effect of the policy was to allow flexibility so as to  
10 increase as well as decrease reserves in the  
11 appropriate case. Is that generally what your evidence  
12 was?

13 A. Yes, we were finding that an  
14 automatic 400-foot reserve didn't make particular sense  
15 depending on the terrain, soil types, variety of  
16 factors.

17 Q. But you would also agree, sir, that  
18 the effect of that change in policy was to open up  
19 quite a few areas for further timber extraction?

20 A. What it did was it opened up for  
21 analysis areas that wouldn't have been considered  
22 before.

23 In terms of the results, I am not aware  
24 of what the result has been coming out of the analysis.

25 Q. Well, one could safely analyze that



1 increasing the reserve in an area that had already been  
2 cut would not save very many trees; would it. Would  
3 that be a fair analysis?

4 A. Increasing the area to be cut would  
5 not save trees?

6 Q. Increasing the area which --  
7 increasing the reserve size in an area which had  
8 already been cut; would put you, sir, out in the field,  
9 if I might turn a phrase?

10 A. I am not sure I understand your  
11 question.

12 Q. Sir, if you cut to within 400 feet of  
13 the lake and somebody subsequently says: This is an  
14 area which deserves a 600-foot reserve, the 200 feet  
15 doesn't automatically have trees back on it.

16 A. Not automatically, it takes some  
17 time.

18 Q. Is it the MNR's policy that in  
19 accessing timber resources, that some damage to the  
20 interests of tourist outfitters is inevitable; Mr.  
21 Monzon?

22 MR. MONZON: A. Is that the Ministry's  
23 policy?

24 Q. Is it --

25 A. Well, I don't think it is policy.

1                   Q. Is it the MNR -- if you might speak,  
2 sir, on behalf of the MNR, is it believed that some  
3 damage is inevitable to the interests of tourist  
4 operators when accessing of timber resources is done?

5                   A. I don't think you can generalize it  
6 totally. I think the Ministry - and it certainly I  
7 would acknowledge - that the issue of access relative  
8 to tourist operations, whether they be of a lodge or  
9 fly-in is of great interest to the tourist operator  
10 because, to a very large degree, that can have -- the  
11 extent of that access, the time at which access takes  
12 place, and the type of cutting and when cutting takes  
13 place, can have an effect on the - if I could use the  
14 term - the package that the tourist operator is  
15 attempting to market.

16                   But I think that that is one of the  
17 reasons that the Ministry has tried to approach these  
18 situations on a case-by-case basis and make sure that  
19 there is discussion at the local level between tourist  
20 operators and the Ministry and the timber companies, to  
21 ensure that, to the degree that it is possible, you  
22 know, all of the values that are in that area can be  
23 protected.

24                   And one of the reasons that the Ministry  
25 became concerned - and I believe you have used the

1 term - to the slavish adherence to the 400-foot reserve  
2 policy, is that if it has -- those sorts of guidelines,  
3 if they are not thought -- if they are just carried out  
4 blindly, can have the effect of being carried out in  
5 the absence of thought.

6 If there is water, there is 400 feet  
7 around it; if there is some other feature, there is 400  
8 feet around it.

9 And one of the things that the Ministry  
10 was really trying to focus on is: What were the values  
11 that were to be protected in that particular area.

12 And if -- and let's have a good look at  
13 what those values are, and it may be that the values  
14 were such that they needed a 600-foot reservation or  
15 they may be such that they only needed a hundred feet.

16 Those are the sorts of different types of  
17 decisions that can be taken relative to analysis in  
18 each and every instance.

19 Q. Sir, is it ever considered, when the  
20 Ministry is looking at timber policy, that areas might  
21 be set aside where the highest use of the forest is  
22 that of tourism?

23 A. I think that is a fair statement, and  
24 I think there are a number of examples around where  
25 that, in fact, has taken place and you would see areas

1       which have been set aside, particularly because of the  
2       tourism values in the area, and those areas that have  
3       been set aside would be in excess of the "magic  
4       400-foot reserve."

5                       Q.   Sir, is this, to a certain extent,  
6       already the case in the Timber Management Planning  
7       Manual at page 13?

8                       Do you have a copy of that?

9                       A.   I don't have that.

10                      MR. EDWARDS:  I have, Mr. Chairman, all  
11       of the copies which the gentleman down the hall could  
12       provide me with, the total number is 3.

13                      So I presume that--

14                      MR. FREIDIN:  I think this is already  
15       marked as an exhibit.

16                      THE CHAIRMAN:  Exhibit 7, I believe.

17                      MR. EDWARDS:  It is already in.  Do you  
18       have your copies for reference?

19                      Q.   Sir, at page 13, the third last  
20       paragraph commencing with the word "if"...

21                      "If, however, normal operations cannot be  
22       conducted without a detrimental  
23       effect...", et cetera.

24                      And I invite you to consider an ultimate  
25       paragraph:



1 "Finally, if operations cannot take place  
2 even in a modified manner while  
3 protecting other resources values, the  
4 area must be allocated as a reserve in  
5 which no timber management operations  
6 will be permitted."

7 Now, sir, that is a brief paragraph, but  
8 is it the case that the MNR truly takes into account  
9 the possibility of setting up tourism reserves beyond  
10 the so-called magic 400 feet or the ring around the  
11 lake?

12 A. My response would be, if it were not  
13 truly the case, I can't imagine why we would include it  
14 in the Timber Management Planning Manual.

15 Q. So it is your theory that the Timber  
16 Management Planning Manual clearly provides for that  
17 type of development?

18 A. Yes.

19 Q. What are the guidelines? Are they  
20 sufficient in your assessment, sir, to allow tourism  
21 values to be taken into account?

22 A. In terms of the guidelines, again,  
23 you are moving outside of my area of expertise on that.

24 Q. Would the area of guidelines with  
25 respect to site-specific tourism reserves be an area

1 which might be appropriate for bump-up after the class  
2 environmental assessment is complete?

3 A. Can I have a moment?

4 MR. DOUGLAS: A. We are confused, you  
5 are using the term guidelines. Are you referring to  
6 those particular guidelines for the protection of  
7 tourism values, or how are you using that term?

8 Q. Perhaps I will try to rephrase it,  
9 delete the reference to guidelines.

10 Taking that policy as set out in the  
11 Timber Management Planning Manual and recognizing that  
12 there are site-specific concerns with respect to  
13 tourism interests, would those, on occasion or  
14 frequently, be appropriate for bump-up after the class  
15 environmental assessment was complete?

16 A. Let me speak to that. Yes, they  
17 would be one of the areas that would be considered.  
18 That would have to be on a site specific basis in terms  
19 of how a particular issue or problem was dealt with.

20 Q. So a refinement of the guidelines  
21 which are used in the in-house process, would that be  
22 necessary or not necessary, in your view, sir?

23 Do you think the timber management -- the  
24 guidelines relating to the tourism industry, do you  
25 think they are sufficient at this time, or do they in

1 fact perhaps require consideration and bumping up more  
2 frequently?

3 MR. FREIDIN: I think that's what he  
4 said. The evidence was that whether there would be a  
5 bump-up would depend on how a particular issue or  
6 problem was dealt with.

7 MR. EDWARDS: Q. Looking at how the  
8 particular issue or problem is dealt with in-house,  
9 using the existing guidelines which you have just  
10 referred to, Mr. Douglas, might it be reasonable to  
11 identify this as a particularly sensitive area  
12 requiring bump-up after the class environmental  
13 assessment?

14 MR. DOUGLAS: A. Let me go back and try  
15 to put some history on this, then you can -- I will try  
16 to answer your question in context.

17 There has been a concern in terms of the  
18 kinds of things that were done to protect tourism  
19 values. There was a concern and MNR developed -- or  
20 facilitated with the Ministry of Tourism and Recreation  
21 a consultant's report involving the tourism industry  
22 and the forest industry, who developed a set of  
23 guidelines for dealing with tourism values, and those  
24 particular guidelines will be described by a later  
25 panel, as well as more of the process of how they were

1 developed.

2 They were particularly developed in order  
3 to deal with road access and to deal with areas of  
4 concern including reserves. Those guidelines are used  
5 by MNR staff or company staff when preparing the timber  
6 management plans.

7 Q. Can I stop you, sir. Are those  
8 guidelines still, to this day, a constant source of  
9 complaints to the MNR in the manner in which those  
10 guidelines are implemented?

11 A. I would suspect that something that  
12 deals with the subject matter would be the subject of  
13 some interpretation.

14 When we talk about aesthetics, we talk  
15 about things like that; they tend to be somewhat  
16 subjective. So I would suspect, in individual cases,  
17 there may be differences of opinion.

18 Q. It might be appropriate to consider  
19 under what cases bump-up would be appropriate?

20 It would be, in your view, an appropriate  
21 thing for this Board to consider?

22 A. My opinion would be that bump-up  
23 would be something that would be most appropriately  
24 dealt with when the timber management plan is developed  
25 and it would be based on the specifics of the judgments



1 that were made to deal with the particular issue and  
2 what measures were undertaken to prevent or mitigate  
3 impacts and how effective those measures would be.

4 I don't think that any guideline would be  
5 specific enough to deal with every case or, if it was,  
6 you would be removing some of the judgment which we  
7 think is necessary in order to have proper planning, to  
8 make sure that the decisions that are made take into  
9 account a variety of interests, whether they are timber  
10 interests, tourism interests, fisheries interests,  
11 waterfall interests, whatever.

12 Q. Mr. Monzon, at page 95 of the  
13 Environmental Assessment Document, sir, you set out the  
14 statement, after the last full paragraph, starting with  
15 the words "The objective..."

16 "The objective of MNR's forest resource  
17 program on Crown lands in Ontario can be  
18 stated as: To provide for an optimum  
19 continuous contribution to the economy by  
20 forest-based industries and to provide  
21 for other uses of the forest through  
22 environmentally sound timber management  
23 practices."

24 Sir, on the assumption that my clients  
25 operate below the tree line, is tourist outfitting a

1 forest-based industry in your opinion?

2 MR. MONZON: A. Yes, and when I answer  
3 in that regard I am putting a very broad interpretation  
4 on the use of the term forest.

5 Q. Certainly broader than in the  
6 sentence that I just read to you?

7 A. Yes. The tourist-based industry --  
8 or the tourist industry is based really on the  
9 resources of Ontario, and particularly fish and game.

10 And given that the fish and game  
11 resources are part of the larger forest concept or  
12 plan, then, yes, it is fair to say they are part of the  
13 forest industry.

14 Q. Ought there to be a reserve, sir,  
15 where forestry; that is to say, timber management as  
16 set out is not a permitted use?

17 Thinking back to the Wawa District Land  
18 Use Guidelines where Mr. Hunter went through the areas  
19 where forestry was a permitted use, ought there to be  
20 reserves where forestry is not a permitted use?

21 A. The only problem I have with the  
22 statement is that I am concerned about the values that  
23 one is trying to protect through the establishment of a  
24 reserve.

25 And I guess my sense is that it is

1 necessary to understand what those values are and what  
2 the various impacts on them could be before  
3 establishing the reserve.

4 I mean, if you have a provincial park in  
5 which there is no forest operations, I am not sure of  
6 the value of putting a reserve around a particular  
7 water body.

8 Q. Sir, in the Wawa District, forest is  
9 a permitted use in the integrated multiple resources  
10 management area; true?

11 A. Yes.

12 Q. It is permitted in the wildlife  
13 preserve?

14 A. Yes, it is.

15 Q. It is permitted in Lake Superior  
16 Provincial Park?

17 A. In very specific areas, yes.

18 Q. It is not a permitted use in the pot  
19 hole district?

20 A. The pot hole area?

21 Q. Yes.

22 A. No, it is not.

23 Q. And I see that this is not a  
24 permitted use in the Wawa treeless area?

25 A. That's correct.

1 Q. However, it is, you will agree with  
2 me, a permitted use in the remote access area which is  
3 only 3 per cent of the entire land mass?

4 A. I am sorry, which number is that?

5 Q. At page 154, No. 14, so-called remote  
6 access areas.

7 A. Yes, that's correct.

8 Q. It is permitted on the Lake Superior  
9 coastline?

10 A. It is permitted within that  
11 particular area that Mr. Hunter referred to, and I  
12 believe I qualified the conditions under which  
13 operations would take place.

14 Q. It is permitted at the Dog Lake  
15 management area, Highway 17, Montreal River Harbor  
16 area; would you agree with that?

17 A. Yes, it is.

18 Q. Sir, District Land Use Guidelines  
19 also explore the tourism potential of the Wawa treeless  
20 area and the District Land Use Guidelines also make  
21 reference to a large clearcut in the northern part of  
22 the Wawa District.

23 How large, in relation to one another,  
24 are those two areas, the Wawa treeless area from the  
25 fume kill and the area of the clearcut?



1                   A. I am sorry, could you help me again  
2 with the reference to the clearcut?

3                   Q. The clearcut is referred to somewhere  
4 in the Wawa guidelines in the northern -- I believe it  
5 is referred to as the northern third.

6                   Do you recall that or, Mr. Douglas, do  
7 you recall that?

8                   A. Well, I remember we were talking  
9 about the issue of clearcutting in the northern third,  
10 and I believe I at least attempted to clarify for the  
11 Board that the way the words read did not mean that the  
12 entire top third of the district was clearcut.

13                  Q. I recall that, sir. But are you able  
14 to assist us in terms of whether the fume kill treeless  
15 area is larger or smaller than the clearcut tree kill  
16 area?

17                  A. No, I am not.

18                  Q. Has there been any specific  
19 follow-ups that you are aware of, sir, to the  
20 development of the tourism potential of the treeless  
21 area?

22                  A. I am not aware specifically of any  
23 follow-ups, nor is it likely that I would necessarily  
24 be informed.

25                  Q. Sir, at page -- referring to the

1 Timber Management Planning Manual, once again, one can  
2 turn to Table 6.1 which is located after page 143,  
3 Table 6.2 and 6.3.

4 MR. MARTEL: What document is that again?

5 MR. EDWARDS: Just after page 141 in the  
6 Timber Management Manual, which I believe was referred  
7 to as Exhibit 7.

8 THE CHAIRMAN: He has a copy, we do not  
9 seem to have copies.

10 MR. EDWARDS: Mr. Chairman, you don't  
11 have your copy?

12 THE CHAIRMAN: No.

13 MR. EDWARDS: Q. Have you got that page,  
14 Mr. Monzon?

15 MR. MONZON: A. Yes, I do.

16 Q. The annual report of wood utilization  
17 by licensee which is 6.3; the annual report of harvest  
18 area by depletion by licensee which is 6.2, the annual  
19 report of depletion by area is 6.1.

20 Sir, what geographic area are those  
21 documents prepared for?

22 A. I believe they would be prepared for  
23 the particular forest management unit for which the  
24 timber management plan was being done.

25 Q. They are prepared for the entire

1 unit?

2 A. Yes, I believe so.

3 Q. Out of the forest management unit  
4 there are many smaller areas of licence to third party  
5 licencees, you will agree with that?

6 A. Could be, could be.

7 Q. Are similar documents prepared for  
8 those smaller units?

9 A. In terms of the specifics as to  
10 whether or not there would be a table prepared by a  
11 large licensee and then a similar table prepared by one  
12 or two third parties, I don't know.

13 I believe a later panel would be more  
14 appropriate to give you the details on that.

15 Q. Thank you. I will move on to another  
16 area then and ask that question later.

17 The MAD calculation, sir, is that --  
18 that's the new version of the annual allowable cut?

19 A. Yes, I believe -- yes, it is.

20 I will warn you, this is an area -- if  
21 you want to get into detail about MAD and how it is  
22 calculated and the basis and all of that, I am not the  
23 person to do that.

24 Q. Who would be the appropriate person,  
25 would it be --

1 A. Panel 3 probably.

2 Q. Panel 3, thank you. All right.

3 What is NSR, Mr. Douglas?

4 MR. DOUGLAS: A. I believe it is  
5 non-satisfactorily regenerated, it is a forestry term.

6 Q. What percentage of areas which are  
7 cut-over are NSR -- become NSR?

8 A. I can't answer that question. It is  
9 outside both of my area of expertise and experience.  
10 That kind of material will be led by other panels.

11 MR. FREIDIN: Panel No. 4.

12 MR. EDWARDS: Thank you. Will the  
13 site -- perhaps, Mr. Freidin, you can help me. Will  
14 the site visits include visits to NSR lands?

15 MR. FREIDIN: I can't advise you. We  
16 will work it out with everybody to reach an agreement  
17 on where they go - I can't tell you any more - where  
18 the Board might go.

19 MR. EDWARDS: Q. Sir, if you refer to  
20 the document called Forest Management Agreements,  
21 Second Five-Year Review, 1981 to '86, and a further  
22 document called Statistics '87 -- have you got those  
23 available to you?

24 MR. MONZON: A. I believe I have the  
25 Statistics '87. I don't believe I have the...



1 THE CHAIRMAN: Mr. Edwards, we will admit  
2 the Forest Management Agreement, Second Five-Year  
3 Review, 1981 to 1986 as Exhibit 31.

4  
5 ---EXHIBIT NO. 31: Forest Management Agreement, Second  
6 Five-Year Review, 1981 to 1986.

7 THE CHAIRMAN: The other document you  
8 referred to is already admitted I think as Exhibit 29.

9 MR. MONZON: I am sorry, Mr. Chairman,  
10 31?

11 THE CHAIRMAN: 31 for this one that was  
12 just handed in.

13 MR. MONZON: Thank you.

14 MR. EDWARDS: Q. Sir, I am directing  
15 your attention, firstly, to pages 16 and 17 of  
16 Statistics '87.

17 I would like you to consider the chart on  
18 the top of page 16 which indicates that in 1987 the  
19 total cut in hectares was 223,517. Do you have that  
20 figure? Would you agree with that?

21 MR. MONZON: A. Yes, I do.

22 Q. I would appear that would appear to  
23 have been the case in the year ending March 31st, 1986?

24 A. Yes.

25 Q. And at page 17, the regeneration  
efforts for the year ending March 31st, '87, the year

1 after, it would appear to indicate planting, seeding  
2 scarification, strip cutting, seed tree cutting,  
3 shelterwood cutting and clearcutting, total of 111,392  
4 on Crown land.

5 Would you agree with that?

6 A. Yes, that's correct.

7 Q. Sir, is the difference between those  
8 two figures the area that is not being regenerated on  
9 an annual basis?

10 A. No, it is not. First of all, to go  
11 back to page 16, the total -- this is a small point,  
12 but the total 223,517 refers to the total cut-over in  
13 Ontario and that includes patent land.

14 In terms of Crown land, the number is  
15 shown in the third column in of some 200,000 hectares.

16 Q. I see. So the difference between  
17 those two figures - 200,199 to 111,392 - would that be  
18 the land that is not being regenerated on an annual  
19 basis?

20 A. It would be the area of the land to  
21 which it has been determined that it is not necessary  
22 to undertake a specific regeneration activity.

23 We are talking a difference in the order  
24 of 89,000 hectares. Some of that could be regenerated  
25 through prescribed burns, some of that could be

1 regenerated just through natural regeneration in which  
2 no other activity is necessary other than the cutting,  
3 and -- so it would be largely those two areas.

4 There may be others. I am not -- again,  
5 this is an area that I am not that familiar with right  
6 now.

7 Q. You will agree that some areas which  
8 are in fact regenerated do not themselves -- or do not  
9 regenerate in a satisfactory fashion?

10 A. I think I would make the point that  
11 all areas -- all areas will regenerate. There will be  
12 timing difficulties in some of them and there will be  
13 difficulties in species in some of them.

14 Q. Is it not true that many of the areas  
15 will not regenerate because the areas that have been  
16 cut are shallow soils, rock or swampy areas?

17 A. To be honest, I believe that's an  
18 over-simplistic generalization. Most of those areas  
19 our experience has been will in fact regenerate, but  
20 may not regenerate as fast as other areas, but they  
21 will in fact regenerate.

22 Q. Is that because much of the nutrient  
23 load has been removed from the soil where--

24 A. Well, that would not apply, for  
25 example, to the extremely wet sites. If you want

1 to --

2 Q. --there might be rock or shallow  
3 soils?

4 A. I was going to say, if you want to --  
5 you are getting into an area that is a little bit  
6 beyond me and perhaps is one that might be done better  
7 by another panel.

8 Q. Thank you, sir, I will pursue that  
9 elsewhere.

10 Mr. Douglas, in Appendix 5, page 19 of the  
11 Environmental Assessment Document you list an  
12 impressive number of other agencies to whom you made  
13 reference.

14 Appendix 5 is towards the back of the  
15 large document. There is a list of the many ministries  
16 and agencies that you contacted. Do you recall that?

17 MR. DOUGLAS: A. Yes.

18 Q. Sir, I am just curious that I see  
19 none therein listed which are concerned with the issue  
20 of production safety such as the Workers' Compensation  
21 Board or the Forest Accidents' Prevention Association.

22 Is there any reason that they weren't  
23 even consulted? I know you have got the Ministry of  
24 Labour down, but I am just curious about that.

25 A. Yes. We went through the Ministry of



1 Labour and we would assume that they would deal with  
2 their boards such as Workmen's Compensation Board, they  
3 report to the Ministry of Labour.

4 We went to this list in general which has  
5 the Ontario Fire Marshall. So most of the agencies  
6 that you speak would be under the umbrella of those  
7 ministries.

8 Q. You didn't specifically go to  
9 either -- consider going to either of those agencies to  
10 obtain some submissions?

11 A. No.

12 Q. Are there operational safety concerns  
13 which could affect the scope or manner of forestry  
14 operations?

15 A. they are certainly consideration.

16 Q. Steep slopes or swampy areas can be  
17 inherently dangerous?

18 A. I am not aware of the details. In  
19 many cases it is how operations are carried out, how  
20 carefully they are carried out that is the concern, not  
21 whether they are carried out or not.

22 Q. Do you personally know the  
23 statistical safety record of the forest industry as  
24 compared with all other industries in the province?

25 A. No, I can't quote that to you.

1 Q. Mr. Monzon, are you familiar with  
2 that issue at all?

3 MR. MONZON: A. No.

4 Q. Sir, in the Timber Management  
5 Planning Manual there are a number of charts which set  
6 out the progress or the success of the program, but --  
7 one of which is - and I won't refer you to the specific  
8 page, unless you have difficulty recalling this -  
9 forest access roads are very clearly set out in terms  
10 of the numbers of kilometres made on an annual basis  
11 and there is -- you talk in terms of target achieved.

12 Do you recall that?

13 MR. DOUGLAS: A. Generally.

14 Q. Generally. Is there any reason that  
15 access roads are treated as a target in the same way  
16 that timber production is treated as a target?

17 Is there any inherent value in an access  
18 road?

19 A. Well, my understanding is that they  
20 are important for tracking funding, you want to keep  
21 track of how much you have in order to make your  
22 maintenance budget up. So they are an asset out there  
23 that need to be maintained for a period of time anyway.

24 Q. Yes. But is there any particular  
25 reason in management theme why access roads are seen as

1 a target which should be achieved on an annual basis in  
2 the same fashion that timber production is seen as a  
3 target?

4 A. Well, to a large degree the Crown  
5 pays for these roads, so they have an interest in  
6 seeing what progress is.

7 Q. Is the focus of the MNR's activity  
8 extraction of the resources or regeneration of the  
9 resource?

10 A. Where the Ministry is interested in  
11 the full cycle, the four activities that Mr. Monzon  
12 speaks of.

13 Q. I see. Sir, if you would refer to a  
14 document which was just filed as an exhibit; that is to  
15 say, the 1981 to '86 Forest Management Agreements.

16 At page 23 is Table 2, Table 2 which  
17 refers to the Abitibi-Price FMA; do you recall that?  
18 It is the Spruce River Forest.

19 MR. MONZON: A. Yes, that's correct.

20 Q. Would you agree that the Ministry  
21 payments for total silvicultural costs '81 to '86  
22 totalled, on that FMA, to be \$4,445,267?

23 Do you have page 23, sir?

24 A. Yes, I do.

25 Q. It is near the bottom, total

1 silvicultural costs.

2 A. Yes, that's correct.

3 Q. Would you agree that in that FMA the  
4 total road costs of the MNR were \$10,059,212?

5 A. That is correct. One of those --  
6 there is a reason for that, of course.

7 Q. Just one moment, sir, I will get to  
8 the reason. I just want to go to page 73, please --  
9 pardon me, 61, I am sorry. That's the Great West  
10 Timber Black River Forest Agreement.

11 A. Yes, I believe that's correct.

12 Q. Would you agree that the total  
13 silvicultural costs expended by the Ministry in that  
14 year for that five-year would appear to be 1,741,198?

15 A. Yes.

16 Q. And the total road costs would appear  
17 to be 6,398,460?

18 A. Yes, that's correct.

19 Q. Would you then refer, please, to page  
20 73 which refers to the third agreement being  
21 considered; that is to say, The Domtar Lake Nipigon  
22 Forest Agreement.

23 Would you agree that the total  
24 silvicultural costs in the five-year period expended by  
25 the Ministry were \$1,849,874.



1 A. Yes, that's correct.

2 Q. And that the total road costs,  
3 \$5,590,070?

4 A. Yes, that's correct.

5 Q. Is the focus of the MNR's activity on  
6 extraction of the resource, sir, or regeneration of the  
7 resource?

8 A. Again, as Mr. Douglas indicated, it  
9 is -- the focus comprises the four activities which we  
10 have talked to earlier.

11 I think when you look at the results of  
12 the funding over the first five-year review of the FMA,  
13 one would easily get the impression that the focus is  
14 on road building.

15 There are other people more qualified  
16 than I to speak to this, but certainly in the  
17 establishment of an FMA, one of the very essential  
18 things that is necessary to do at the start of that  
19 exercise is, to a degree, to get the road system -- to  
20 get the access system in place in order to facilitate  
21 the carrying out of the other activities that are going  
22 to occur; that is, the harvesting and the silvicultural  
23 operations and the maintenance.

24 If you don't have that road system in  
25 place, it constricts your ability to carry out the

1 remaining activities.

2 Certainly the expectation would be that  
3 in the first five-year review of FMA operations, there  
4 would be a heavy -- yes, there would be a heavy cost  
5 relative to road construction and maintenance, a cost  
6 that would likely come down significantly in later  
7 reviews of those -- in later five-year reviews of the  
8 FMAs.

9 Q. That's your best evidence on that  
10 point, is that you expect those figures to come closer  
11 to one another?

12 A. That would be my expectation. I am  
13 not sure -- I don't think we have done a second  
14 five-year review yet, so that would not -- so the  
15 figures would not be there to support my estimation,  
16 but certainly that is the direction that I see it  
17 going.

18 Again, there are other panels coming  
19 along that would be able to speak to this in more  
20 detail than I could.

21 Q. Do the companies make money ever on  
22 construction of the roads?

23 A. Would they make money?

24 Q. Yes.

25 A. I am sorry, what do you mean would

1       they make money?

2                   Q.   The companies construct the roads and  
3       receive those payments which I have referred to, is  
4       that correct?

5                   A.   Yes, that's correct.

6                   Q.   Do the companies from time to time  
7       make money on the construction of forest access roads?

8                   A.   I don't see how they could because  
9       the labour rates they would be paying would be --  
10      largely would be usually in excess of the rates that  
11      the government has paid.

12                   Again, this is a little bit beyond me,  
13      but my understanding is that there is an agreement  
14      reached between the Ministry and the company as to the  
15      various rates that will be utilized.

16                   Q.   Do the third party operators --

17                   A.   Excuse me.

18                   Q.   Sorry, sir.

19                   A.   There is an agreement between the  
20      Ministry and the company as to which averages are going  
21      to be used by the industry for payment by the Ministry  
22      for work carried out.

23                   What I understand happens is that, in  
24      just about every situation, the wage rates that the  
25      companies have to pay are in excess of what the Crown

1 pays. And so, therefore, the costs would be greater,  
2 therefore, logic would have it that - to come back to  
3 your question - the companies would not make money.

4 Q. Logic would have it that way, I  
5 agree.

6 A. But there would be, again, other  
7 panels coming along that could speak to this with more  
8 authority that I could.

9 Q. Do third party operators, third party  
10 licencees take part in road construction? Would  
11 payments be made to them directly rather than to the  
12 FMA company, or would you know?

13 A. You are outside of my area here, Mr.  
14 Edwards.

15 Q. Mr. Douglas, are you in a position to  
16 answer that, sir?

17 MR. DOUGLAS: A. No, I am not.

18 MR. EDWARDS: All right. Thank you,  
19 gentlemen. Those are all my questions.

20 THE CHAIRMAN: Thank you, Mr. Edwards.

21 Ladies and gentlemen, it is now 2:30. I  
22 think it is an appropriate time for a break and when we  
23 return, will you be ready to cross-examine, Mr.  
24 Colborne?

25 MR. COLBORNE: Yes, I will, Mr. Chairman.



1 THE CHAIRMAN: Very good.

2 Ladies and gentlemen, just before we  
3 break, I wanted to mention to you that today will mark  
4 the commencement of the Board having somebody available  
5 from the hours of 5:00 p.m. to 9:30 p.m. in the public  
6 reading room, so that members of the public and counsel  
7 can view documentation in that room during those hours.  
8 That will happen on the days that we are sitting  
9 between the hours of 5:00 p.m. and 9:30 p.m.

10 In addition, we have made arrangements  
11 for that room to be open on Fridays on the weeks that  
12 we are not sitting Fridays from the hours of 10:00 a.m.  
13 to 4:00 p.m.

14 Occasionally, as we go on with this  
15 hearing, is if there is a demand, then we will also  
16 consider opening the room a couple of days a week on  
17 the weeks we are not sitting. And, again, if there is  
18 a demand, we may consider opening the room on the odd  
19 weekend.

20 So that if you are speaking to your  
21 counterparts who are not present today, you might  
22 spread the word that that room will in fact be open  
23 commencing today.

24 THE CHAIRMAN: Thank you.

25 We will return in 20 minutes.

1 ---Recess taken at 2:30 p.m.

2 ---Upon resuming at 2:45 p.m.

3 THE CHAIRMAN: Thank you, ladies and  
4 gentlemen. Please be seated.

5 Mr. Colborne?

6 MR. COLBORNE: Thank you, Mr. Chairman.

7 CROSS-EXAMINATION BY MR. COLBORNE:

8 Q. Mr. Monzon, I wish to address some  
9 questions of you. If you feel that you are not the one  
10 to answer these questions, would you please tell me why  
11 and then I could hear from Mr. Douglas.

12 But these initial questions are based on  
13 the evidence which I understood you to give in-chief  
14 and on paragraphs in the evidence outlined which I  
15 understand you are responsible for.

16 Just before I get to the evidence that  
17 you gave, I want to get one question a little more  
18 clear in my mind. You have been qualified by the Board  
19 to give opinion evidence in the area of land use  
20 planning.

21 THE CHAIRMAN: Mr. Colborne, would you  
22 mind adjusting your microphone a little bit. I think  
23 some of us are having difficulty hearing.

24 MR. COLBORNE: I will try this.

25 THE CHAIRMAN: Thank you.

1 MR. COLBORNE: Q. And at one point, Mr.  
2 Monzon, in your evidence you said that you were a  
3 forester not a geographer.

4 Do you consider yourself a planner, and  
5 when I say planner, I mean with a capital P the way  
6 people who are professional planners, or who hold  
7 themselves out as professional planners consider  
8 themselves to be planners?

9 MR. MONZON: A. I consider myself to  
10 have that capability of a land use planner.

11 Q. Yes. You don't, though, if I read  
12 your Curriculum Vitae correctly, have any advanced  
13 degree in planning or anything of that type; is that  
14 correct?

15 A. That's correct.

16 Q. And I may have missed it, but am I  
17 correct that you are not a member of the associations  
18 of professional planners?

19 A. That's correct.

20 Q. Have you, despite that, taken any  
21 interest in what one might call the theoretical or  
22 philosophical problems of land use planning?

23 A. Well, certainly when I was involved  
24 in planning, I was interested in, if you want, planning  
25 philosophy.

1 Q. And how was that interest expressed,  
2 did you study textbooks and --

3 A. Reading different articles, attending  
4 symposiums, that sort of thing.

5 Q. Were these internal to the Ministry  
6 of Natural Resources or more broadly-based symposia?

7 A. They would have been both.

8 Q. Now, if I heard you correctly, from  
9 1981 to 1983 you were the Land Use Planning  
10 Co-Ordinator for northern Ontario?

11 A. That's correct.

12 Q. At that time, who was in charge of  
13 land use planning at head office?

14 A. I believe Mr. Reilly was the Director  
15 of the Land Use Co-Ordination branch.

16 Q. Did you report directly to him  
17 insofar as you were working in the planning area?

18 A. I reported directly to the Assistant  
19 Deputy Minister for northern Ontario. I had a lot of  
20 contact with Mr. Reilly and others in his office,  
21 particularly Mr. Cresman relative to, if you want, land  
22 use planning techniques, methodology.

23 Q. Okay. Now, you were co-ordinating  
24 the preparation of the Strategic Land Use Plans and the  
25 District Land Use Plans that then became known as



1 District Land Use Guidelines; is that right?

2 A. Yes, that's correct.

3 Q. And you were co-ordinating those  
4 during the time that the District Land Use Plans became  
5 relabeled, as it were, District Land Use Guidelines; is  
6 that right?

7 A. Yes. I was in the position of Land  
8 Use Planning Co-Ordinator when the transition took  
9 place.

10 Q. Yes. Now, you said that insofar as  
11 the planning work that is now done - and if I  
12 understood you correctly, you were referring to both  
13 Forest Management Agreements and all types of forest  
14 planning - about 70 per cent of the, I think you said  
15 on-the ground-work -, done by companies, or maybe I am  
16 a little confused about your evidence on that.

17 Tell me what that 70 per cent was?

18 A. We had difficulty on this one a  
19 little bit earlier.

20 I think it was an estimate of the  
21 amount - and I would have to go back and look at the  
22 transcript - but I think it would be an estimate of the  
23 amount of, if you want, forestry work, the amount of  
24 the road building, the amount of regeneration, the  
25 amount of maintenance work that is done by the industry

1 as opposed to being done hands-on, if you want, by MNR.

2 Q. I have a copy of the transcript, sir.  
3 I will read to you a statement that you made and maybe  
4 you could just clarify it in terms of my question,  
5 which was: What exactly is this 70 per cent that  
6 you were referring to?

7 Mr. Chairman, I am reading from page 323  
8 of the transcript for Thursday, May 12th, and I am  
9 beginning at line 21 -- excuse me, I will begin at line  
10 17.

11 You had just been asked to clarify this  
12 70 per cent figure that had arisen, and here you say.

13 "The 70 per cent refers to the percentage  
14 of the total in, if you want, hands-on  
15 involvement relative to access, relative  
16 to regeneration, relative to timber.  
17 The companies would be involved in some  
18 70 per cent of the actual on-the-ground  
19 work, where the Ministry employees would  
20 be involved in the order of 30 per cent  
21 of that type of work on Crown units,  
22 being actual on site and doing it."

23 Those were your words, sir, and maybe my  
24 having read them will explain to you why you have  
25 received a few questions since.

1                   So I have to return to that, I still  
2 don't understand. What is this 70 per cent?

3                   A. I will try and do it without as many  
4 "relative tos".

5                   In the class environmental assessment we  
6 refer to particular activities. We refer to building  
7 roads for providing access; we refer to harvesting; we  
8 refer to regeneration activities, and we refer to  
9 maintenance.

10                  If we leave out the timber harvesting,  
11 then we have access, we have regeneration and we have  
12 maintenance activities that are conducted on the forest  
13 management units.

14                  What is -- out of those activities that  
15 are carried out on the forest management units, those  
16 three, I am saying that it is likely that in the order  
17 of 70 per cent of those activities are carried out by  
18 the industry and some 30 per cent of that total would  
19 be carried out by MNR personnel on the ground.

20                  And that would be done on the Crown  
21 units.

22                  Q. I thought you said all forest  
23 management units?

24                  A. Forest management units, yes, but on  
25 the company units and on the Forest Management

1 Agreement units, the industry will be the ones that  
2 will be carrying out the activity.

3 Q. Yes.

4 A. On the Crown units, it will likely be  
5 the Ministry of Natural Resources that would be  
6 carrying out those three activities.

7 Q. And I think you said that on the  
8 forest management unit areas it would be almost a  
9 hundred per cent company; is that right?

10 A. Yes, I believe that's correct.

11 Q. Sir, as part of your  
12 examination-in-chief you referred to the statutes that  
13 the Ministry of Natural Resources administers and these  
14 appeared in your evidence summary as Document No. 1 at  
15 page 33 through -- 33 and 34; is that correct?

16 A. That's correct.

17 Q. Now, you referred to the document  
18 known as Statistics '87, which is Exhibit 29, earlier  
19 today, and that contains - beginning at page 114 -  
20 summaries of Acts administered by the Ministry; is that  
21 correct?

22 A. Yes, it does.

23 Q. Now, Exhibit No. 29 is entitled  
24 Statistics '87. I know that there is a document  
25 entitled Statistics '86 and so on and so forth. Is



1 this type of document produced every year?

2 A. Yes, it is.

3 Q. And has been for the past number of  
4 years.

5 A. Yes.

6 Q. And does it, in each case, contain an  
7 outline of the legislation that your Ministry  
8 administers?

9 A. I don't know for certain.

10 Q. Is this document, Exhibit 29,  
11 Statistics '87, available to the public?

12 A. Yes, it is.

13 Q. I am showing you another document.  
14 This one I know is available to the public because I  
15 bought it at the Ontario Government Book Store about  
16 three weeks ago. Do you recognize that?

17 A. Yes.

18 Q. It is entitled Guidance for the  
19 Organization Management System, Towards the 80s  
20 published by your Ministry.

21 A. That's correct.

22 THE CHAIRMAN: Exhibit 32.

23 ---EXHIBIT NO. 32: Document entitled: Guidance for  
24 the Organization Management System,  
Towards the 80s published by MNR.

25 MR. COLBORNE: Q. I will be returning to

1 this later, but I want to refer you just now only to a  
2 list of statutes which appears as Appendix 1 on page 22  
3 of this document.

4 Do you agree that a list of statutes  
5 appears there?

6 MR. MONZON: A. Yes, that's correct.

7 Q. Now, my question is: Why the three  
8 statutes that appear at page 33 in your evidence  
9 outline that deal with Indians do not appear --  
10 appeal -- appear, excuse me, in the documents that are  
11 available to the public, such as Statistics '87,  
12 Towards the 1980s and I think others, but I do not have  
13 others with me.

14 The three I am referring to are - and I  
15 will be reading from page 33 and 34 of your evidence  
16 outline - firstly, toward the top of page 33 the  
17 fourth -- beginning with the fourth typed line:

18 "An Act to confirm the title of  
19 the Government of Canada to certain lands  
20 and Indian Lands, 1915, et cetera."  
21 And the second immediately following  
22 that:

23 "An Act for the settlement of certain  
24 questions between the Governments of  
25 Canada and Ontario respecting Indian

1 Reserve Lands of 1891."

2 And the third -- eight lines up from the  
3 bottom:

4 "Indian Lands Act, 1924."

5 Do you know why those don't appear in  
6 public documents of the Ministry?

7 A. In terms of the Statistics '87, there  
8 is what -- in terms of the Statistics '87, my sense is  
9 that given that the report is a statistical summary on  
10 such things as the number of trees produced and number  
11 of hectares cut, that the legislation -- the pieces of  
12 legislation refer into it -- that are in here, are  
13 relative to those particular resource activities, and I  
14 could not indicate, Mr. Colborne, whether or not in  
15 fact all of the pertinent pieces of legislation, for  
16 example relative to forests or relative to parks, are  
17 in fact in here.

18 My sense would be that given it is a  
19 statistical document and refers to things done and  
20 refers to an organization, that that would be the  
21 reason that the legislation relative to native people  
22 would not have been included.

23 In terms of the document Towards the 80s,  
24 this document was really a document designed to point  
25 out to staff and to the general public the role of the

1 Ministry of Natural Resources and its management  
2 philosophy.

3 Again, I suppose one can debate whether  
4 or not the legislation relative to the native people  
5 would have been appropriate to put in here or not to  
6 put in here.

7 It was not put in as a deliberate attempt  
8 to keep it out for any particular reason, that I am  
9 aware of.

10 Q. I assume it is somebody or some  
11 division of the Ministry under your direct authority  
12 that prepares Statistics '87.

13 Looking at the chart that appears at page  
14 249 of your evidence outline, and if I understood your  
15 evidence correctly, you are at the centre right?

16 A. That's correct, Assistant Deputy  
17 Minister Administration. That's where I used to be,  
18 yes.

19 Q. Oh, that's right. If this were three  
20 months ago that's where you would be, of course.

21 Is it some branch or office under  
22 Assistant Deputy Ministry Administration that prepares  
23 Statistics '87?

24 A. The Communications Services Branch is  
25 responsible for co-ordinating the preparation of this



1 document and it does so with input from all of the  
2 other branches.

3 The Lands & Waters -- the branches under  
4 Land & Waters, the branches under Outdoor Recreation,  
5 the branches under Forest Resources, and some of the  
6 particular branches within Finance & Administration.

7 Q. All right. Now, do I take it  
8 correctly that your answer to my question about why the  
9 Indian related statutes were not included in Statistics  
10 '87 is your own pure speculation?

11 A. That would be correct. I would have  
12 no firsthand -- I cannot say that there was a reason  
13 that the legislation was not there, I don't know.

14 Q. Do you know if there are any  
15 non-Indian related statutes that appear at page 33 of  
16 your evidence outline and do not appear in Statistics  
17 '87?

18 A. No, I have not made that particular  
19 check.

20 Q. Would you accept, subject to  
21 checking - which could be done while you are still on  
22 the stand - that the only non-Indian related statute  
23 that appears at page 33 of your evidence outline that  
24 doesn't appear in the public documents is the Steep  
25 Rock Iron Ore Development Act of 1949?

1 A. I'll accept that.

2 Q. Do you know why that Act would not  
3 appear in the legislation outlines in the public  
4 documents?

5 A. No.

6 Q. Do you know whether Steep Rock is  
7 operating?

8 A. I don't think Steep Rock is  
9 operating. I am not sure about what that does to the  
10 legislation because I don't know what the legislation  
11 is about.

12 Q. Do you know if this list of statutes  
13 at page 33 and 34 is complete?

14 A. My understanding is that it is  
15 complete. I suppose we could be corrected in one or  
16 two areas.

17 Q. Who within the Ministry knows for  
18 sure what statutes your Ministry administers?

19 A. Well, the Legal Services Branch.

20 And if you wanted a definitive list of  
21 all of the statutes that the Ministry administers, and  
22 if I was in that same position again, I would ask the  
23 Legal Services Branch to prepare such a list.

24 Q. Are you aware, sir, that at page 8-25  
25 of the Final Report and Recommendations of the Royal

1 Commission on the Northern Environment, Commissioner  
2 Fahlgren stated that:

3 "The Ministry of Natural Resources  
4 Legal Services Branch was unable to  
5 provide a comprehensive list of statutes  
6 administered by that Ministry."

7 A. No, I was not aware of that.

8 Q. Have you read this Final Report and  
9 Recommendations?

10 A. Not recently.

11 Q. Well, that wasn't my question.

12 A. Have I read it?

13 Q. Yes?

14 A. Yes.

15 MR. COLBORNE: Mr. Chairman, I am unable  
16 just now to file a copy of that page. I think that the  
17 entire document is --

18 THE CHAIRMAN: I think the report is in.  
19 I think it was Exhibit 16, if I am not mistaken. I may  
20 be wrong.

21 MR. FREIDIN: Exhibit 16 is the  
22 Baskerville Report.

23 THE CHAIRMAN: No, that is the  
24 Baskerville Report.

25 MR. COLBORNE: Actually, Mr. Chairman, I

1 think what the situation is is that Chapter 8 that I  
2 was reading from is in, and so I would be referring to  
3 page 8-25.

4 MR. CASTRILLI: Exhibit 24, Mr. Chairman.

5 MR. COLBORNE: Exhibit 24.

6 THE CHAIRMAN: Thank you.

7 MR. COLBORNE: Q. Sir, at that same page  
8 of the Final Report of that Royal Commission, there is  
9 reference to 57 named statutes administered by your  
10 Ministry.

11 Now, at page 33 of your evidence outline  
12 I count 53 - you are free to count at your leisure,  
13 because I don't know -- I don't have the slightest idea  
14 what the answer is to this.

15 I count 53, Commissioner Fahlgren said 57  
16 in the year 1985, but he also said at that time that he  
17 couldn't get a list.

18 Can I be confident that at page 33 we  
19 finally do have the list of statutes that your Minister  
20 administers -- that your Ministry administers?

21 Let me put it this way: Was there any  
22 checking done, was there any real careful check done  
23 before you came before this Board to make sure that  
24 this Document 1 attached to your evidence summary was  
25 complete and up-to-date and accurate?



1                   MR. MONZON: A. My understanding is that  
2                   there was a check done. Given the points you are  
3                   raising, it would perhaps appear to be appropriate to  
4                   review the list again if you want to ensure that each  
5                   and every statute that this Ministry administers is in  
6                   this list, or if there is any additions or deletions  
7                   that we should note that for you.

8                   MR. COLBORNE: I guess, Mr. Chairman,  
9                   this puts us in a situation of an undertaking. May I  
10                  just perhaps have Mr. Freidin indicate that if he  
11                  discovers any errors or omissions in the list that we  
12                  will advise?

13                 THE CHAIRMAN: Is that fair, Mr. Freidin?

14                 MR. FREIDIN: Yes. There was an answer  
15                 provided to Mr. Colborne which indicated that the list  
16                 of legislation in Statistics '87 was complete. I would  
17                 advise Mr. Colborne that if I receive any information  
18                 that that is not accurate, I will advise him.

19                 MR. COLBORNE: I think Mr. Freidin is  
20                 referring to answers provided to written  
21                 interrogatories and I haven't filed those. I will.

22                 THE CHAIRMAN: What is the significance,  
23                 Mr. Colborne, of having this information?

24                 In other words, if a statute was missed  
25                 but it is not necessarily one you are concerned with --

1 I take it you are concerned with certain statutes?

2 MR. COLBORNE: The general point is that  
3 I wish to establish a pattern of this Ministry ducking  
4 and running every time they hear about Indians.

5 I am not talking about native people, I  
6 am talking about legal Indians, and I see it here and I  
7 am going to hopefully raise a dozen other examples, but  
8 it only adds up --

9 THE CHAIRMAN: Are you aware of any other  
10 statutes for which this Ministry has responsibility  
11 dealing with Indians other than the two you mentioned  
12 that were in the one document but not the other two  
13 public documents?

14 MR. COLBORNE: No, but Commissioner  
15 Fahlgren has used the number 57 as the number of  
16 statutes, and the ones that keep disappearing off the  
17 public list are the Indian related ones.

18 THE CHAIRMAN: Well, would the Ministry  
19 be prepared to conduct the necessary review to ensure  
20 that there are no other statutes dealing with Indians  
21 whatsoever under your jurisdiction, other than the two  
22 that are referred to in the one document but not the  
23 two public documents?

24 MR. COLBORNE: That is three, Mr.  
25 Chairman.

1 THE CHAIRMAN: Sorry, three.

2 MR. FREIDIN: The three referred to in  
3 Exhibit No. 1.

4 THE CHAIRMAN: Right.

5 MR. FREIDIN: We can provide information  
6 as to whether those three are still administered by the  
7 Ministry of Natural Resources and--

8 THE CHAIRMAN: And if there are any  
9 others.

10 MR. FREIDIN: --if there are any others  
11 that fall within this category that relating  
12 specifically to Indians which are missed out, I will  
13 advise him.

14 THE CHAIRMAN: Would that help you out,  
15 Mr. Colborne?

16 MR. COLBORNE: Yes, it would. Thank you,  
17 Mr. Chairman.

18 Q. Now, Mr. Monzon, one of the documents  
19 in this list, at page 33, is the Fisheries Act and it  
20 is recognized in the list on page 33 that's a federal  
21 statute.

22 And I believe you say in your  
23 evidence-in-chief that that was an example - and you  
24 were referring particularly to that statute - an  
25 example of the legislative authority exercised by your

1 Minister, I am a little confused.

2 If that's an example of the legislative  
3 authority, but it is a statute of Canada, could you  
4 clarify this for me?

5 MR. MONZON: A. I don't know that I can  
6 clarify the specific legal aspects of it, Mr. Colborne.

7 My understanding is that in terms of the  
8 administering of Ontario -- of the fishery regulations  
9 as they apply to Ontario, we have the authority  
10 under -- we have the authority to do that and,  
11 therefore, are administering the Fisheries Act.

12 But I am sure there is a more succinct  
13 and logical, legal rationale as to how -- as to the  
14 role that Ontario plays in the administration of that  
15 Act.

16 Q. Do you know, or can Mr. Freidin help  
17 us, as to whether there will be evidence called on that  
18 topic in any other panel?

19 A. On which topic?

20 Q. The question of why you have said  
21 that the Fisheries Act is an example of the legislative  
22 authority of your Ministry, but you can't tell us  
23 anything about why you have legislative authority under  
24 a federal statute?

25 MR. FREIDIN: It is delegated to the



1 Ministry, I believe, by the federal legislation. I am  
2 not sure -- again, I mean, I can confirm whether I am  
3 correct or not and advise you.

4 I think the list primarily, Mr. Chairman,  
5 was given as a list to indicate the range or the wide  
6 range of resources for which the Ministry has  
7 responsibility.

8 THE CHAIRMAN: Well, is it the position  
9 of the Ministry that everything on this list is  
10 administered by the Ministry in its own right, surely  
11 that cannot be right if we are dealing also with  
12 federal statutes?

13 Is it not really a list indicating where  
14 the Ministry of Natural Resources has some involvement  
15 legislatively, either by way of delegation or by way of  
16 reference in the statute itself, whether or not the  
17 entire statute might be more properly administered by a  
18 particular level of government?

19 MR. FREIDIN: I agree.

20 MR. COLBORNE: Well, Mr. Chairman, the  
21 point is that my client's concerns are relating to  
22 fishing and hunting in large measure, and one of the  
23 problems that they perceive is that administration of  
24 the fishery resource, if it is in fact done by this  
25 Ministry, isn't subject to assessment and may not

1 properly be before this Board at all for the simple  
2 reason that it is federal.

3 And I want some clarification as to why  
4 the one witness who is apparently going to talk about  
5 this - my client's very central concern - just says:  
6 Well, we have the authority, but I can't tell you a  
7 thing about why we have authority to act under a  
8 federal statute.

9 THE CHAIRMAN: Well, I think it would be  
10 fair for the Ministry, either through its counsel or  
11 through one of the witnesses to be called, indicates  
12 what obligations or responsibility this Ministry has  
13 under the Fisheries Act.

14 And surely that can be obtained by either  
15 looking at the Act directly or its regulations, and it  
16 should be self-evident if this Ministry is in fact  
17 involved with the Fisheries Act.

18 Would that not be the case, Mr. Freidin?

19 MR. FREIDIN: I don't see any problem in  
20 advising Mr. Colborne of that information.

21 MR. COLBORNE: Mr. Chairman, I don't want  
22 to pursue this in a way that can't be dealt with just  
23 at this moment, but I don't think we are going to find  
24 the answer in the Act. So that's not going to provide  
25 us with a solution. It's an issue that hasn't...

1                   THE CHAIRMAN: You may be correct. They  
2 may not have anything to do with the Fisheries Act  
3 whatsoever. If there is not some legal rationale for  
4 their undertaking certain responsibilities under a  
5 federal statute, then you may in fact be correct.

6                   But, obviously, I think these two  
7 gentlemen are under the belief that the Ministry has  
8 some responsibility under the Fisheries Act and it is a  
9 matter of now trying to ascertain what that  
10 responsibility is.

11                   How would you ascertain we go about that?

12                   MR. COLBORNE: I would really love to do  
13 it through witnesses under oath, Mr. Chairman, but  
14 these witnesses, I accept, don't know.

15                   THE CHAIRMAN: Well, you can put the  
16 question to them and they have replied that they cannot  
17 give you at least the legal foundation for that  
18 responsibility at this point.

19                   MR. COLBORNE: Thank you.

20                   It has a relationship as well, Mr.  
21 Chairman, to the forest as against timber management  
22 question. If it emerges from some of the points that I  
23 wish to raise that there are entire areas which are  
24 just right out the window as far as this hearing is  
25 concerned, maybe my clients are at the wrong place and

1 fisheries could be one of them.

2 And I didn't put fisheries at the head of  
3 the list because my client is interested in it, Mr.  
4 Monzon put it at the head of the list because he used  
5 it as the first example of what they do.

6 I am fortunate to have a transcript, and  
7 at page 325, beginning at the bottom of the page and  
8 continuing on to the top, Mr. Monzon has told us that  
9 that's the first example that he gave is fishing. The  
10 second example he gave was Migratory Birds Act.

11 Q. And that's my question next question  
12 to him. Why do you get to administer Migratory Birds  
13 Act, that's a federal Act?

14 MR. MONZON: A. Again, Mr. Chairman, my  
15 understanding -- Mr. Colborne, my understanding is we  
16 have the authority granted to us from the Federal  
17 Government to administer, if not all of the Act,  
18 certain portions of it as they apply in Ontario.

19 THE CHAIRMAN: Well, Mr. Freidin, would  
20 it be a consideration for the Ministry to call somebody  
21 from the Legal Services Branch of the Ministry who  
22 would be knowledgeable in these areas?

23 Obviously, these particular witnesses  
24 cannot cite the specific authority, but surely there is  
25 someone in the Ministry in the appropriate department



1       that could.

2                       MR. FREIDIN: Well, I believe there may  
3       be a witness shortly who is from the Legal Services --  
4       well, no, not from the Legal Services Branch.

5                       I am just wondering where it is all going  
6       to go? I don't understand the purpose for which Mr.  
7       Colborne would use this information and, therefore, I  
8       am just saying I don't see why it is relevant.

9                       MR. COLBORNE: I don't mind telling you  
10      exactly, Mr. Chairman.

11                      Indian treaty rights, generally speaking,  
12      are subject to federal legislation, that's the state of  
13      the law. The Indians may not like it, but that's the  
14      state of the law, but not subject to provincial  
15      legislation, and the provincial authorities don't like  
16      that, but that's the state of the law.

17                      Now, my clients find themselves always in  
18      a Catch-22 in regard to fisheries and migratory birds  
19      because they say that they have treaty rights, but the  
20      province says: No, you haven't, therefore, their  
21      rights are ignored, but -- and the rationale is because  
22      the rights have been taken away by these federal  
23      statutes, but in fact it is the province doing all the  
24      work under those statutes.

25                      So they are accomplishing indirectly

1 something that they cannot accomplish directly. If  
2 they go to the federal government, the federal  
3 government says: Sorry, we don't have anything to do  
4 with that, we let the province do all that.

5 If they go to the province, the province  
6 says: Sorry, it's federal legislation, we can't do a  
7 thing for you, you don't have any treaty rights.

8 And I said right from the beginning that  
9 that's the interests -- or one of the main interests of  
10 my clients here. If it can't be dealt with, well so be  
11 it, that's certainly up to you.

12 THE CHAIRMAN: But if the undertaking  
13 that we are dealing with is timber management and the  
14 four areas that we have dealt with or referred to in  
15 the sense of access roads, harvesting, regeneration and  
16 management, and the impacts that may result from those  
17 four activities, would not the interest of your clients  
18 be taken into account in terms of the impacts, either  
19 positive or negative, from those four activities which  
20 is the subject, as I understand it, of the Class EA  
21 before this Board.

22 We are not dealing with ownership, we are  
23 not dealing, I do not think, with treaty rights, per  
24 se, because I take it that the Ministry is dealing with  
25 timber management on Crown lands which, from the

1 Ministry's point of view at least, is on land owned by  
2 the Crown.

3 I acknowledge that that may not be the  
4 position of some of the native peoples in terms of  
5 ownership, but is that not what is before this Board?

6 And as I understand what your problem is  
7 is that if, in fact, the Ministry does have some  
8 responsibility under these federal statutes through  
9 some legal mechanism - whether it is delegation or  
10 something else which we may find out about through  
11 another witness - and they are properly exercising  
12 those responsibilities with respect to the four  
13 activities that we are contemplating here; again, is  
14 not the impacts from those activities, as it applies to  
15 your clients, going to be before this Board?

16 MR. COLBORNE: It would appear that the  
17 impacts must be before the Board. It may or may not be  
18 properly before the Board whether there is an ownership  
19 question involved.

20 It is certainly within the powers of the  
21 Board to simply say: No, that's not before us, but I  
22 would suggest it may be premature to indicate that now.

23 A lot of people like to run away from  
24 that question, particularly politicians, and that's one  
25 of my clients' problems; we can never get anybody in

1 the stand to answer straight these questions and we can  
2 never have an independent review as we have here that  
3 relate to that type of question.

4 And I don't want to suggest, Mr.  
5 Chairman, that we want to change this assessment from  
6 one area of enquiry into another one, I don't want that  
7 for a minute, but if indeed it is important, and it is  
8 an ownership question, then I suggest that it may be  
9 very premature to say right off the bat: No, we are  
10 not going to listen to that.

11 THE CHAIRMAN: Well, are you suggesting  
12 that this Board has jurisdiction to determine the  
13 ownership question?

14 MR. COLBORNE: No. No, your jurisdiction  
15 would extend only to issuing directions which would  
16 hopefully have the effect of that determination being  
17 achieved elsewhere.

18 THE CHAIRMAN: Mr. Freidin?

19 MR. FREIDIN: This is an area that I  
20 hesitate to get involved in very deeply because it is a  
21 complex one. The position -- or the difficulty with  
22 dealing with this issue is set out at page 7 of the  
23 Environmental Assessment Document.

24 And by difficulty, I mean difficulty in  
25 dealing with the potential impacts of timber management



1 activities on Aboriginal and treaty rights in this  
2 environmental assessment.

3 It is a difficult matter to deal with  
4 because those very things are the subject matter of  
5 litigation, negotiation at all levels of government.

6 Panel No. 6 is going to lead evidence  
7 which will further expand on that particular paragraph  
8 in the Environmental Assessment Document, and I believe  
9 that the type of questions that Mr. Colborne has,  
10 assuming that they are all relevant, would best be  
11 reserved for that particular panel.

12 The person who -- that particular panel  
13 will have a member who will be familiar with those  
14 particular negotiations who can give you some  
15 background as to why the Ministry has taken the  
16 position that it has on page 7 of the Environmental  
17 Assessment Document.

18 MR. COLBORNE: May I have the names of  
19 the members of that panel now, that might make it a lot  
20 easier for me. I may recognize who they are and I may  
21 know whether or not they can answer my questions.

22 MR. FREIDIN: There may be a change in  
23 the name of the witness. I can advise him tomorrow, I  
24 think.

25 THE CHAIRMAN: You are still going to be

1 cross-examining tomorrow, are you not?

2 MR. COLBORNE: Yes.

3 THE CHAIRMAN: All right. Would you  
4 kindly endeavour to provide that name, Mr. Freidin,  
5 early on before Mr. Colborne is through?

6 MR. FREIDIN: Name or names.

7 THE CHAIRMAN: Name or names.

8 MR. COLBORNE: Q. Mr. Monzon, I will  
9 turn to a different topic. This is one you've heard  
10 about before, the forest management as against timber  
11 management.

12 Now, you said that the reason why you  
13 began referring to the preparations that you were doing  
14 for this hearing as preparing for timber management  
15 assessment, was because of erroneous perceptions by  
16 stakeholders; you didn't want stakeholders to think  
17 that there was something going to happen here that was  
18 not going to happen here.

19 But I don't think you gave any particular  
20 examples - and I could check the transcript - but I am  
21 fairly certain you didn't give any examples.

22 Can you give any examples of erroneous  
23 impressions that stakeholders might have had or did  
24 have?

25 MR. MONZON: A. I believe that I

1 indicated that at the presubmission consultation  
2 exercise that we started in 1983 that it was becoming  
3 clear to us that the perceptions of some of the  
4 stakeholders and some of the people and groups that we  
5 had discussions with, the perceptions that they had was  
6 that this environmental assessment was going to include  
7 a number of activities other than the particular four  
8 which we have put forward in the document, the Class  
9 Environmental Assessment for Timber Management on Crown  
10 Lands in Ontario.

11               There was a perception that activities  
12 were, in addition, that -- excuse me, let me back up.  
13 There was a perception that activities such as fishing,  
14 such as hunting, such as camping, such as use of  
15 provincial parks were going to be part of this  
16 undertaking and, therefore, we were concerned that  
17 people were starting to think about forest management  
18 in the broadest context, in the context of all of those  
19 different types of activities which might be taking  
20 place on the forest estate.

21               As a result, we attempted to narrow the  
22 definition --

23               Q. Sir, I only asked you for examples, I  
24 didn't ask you for this -- all this additional  
25 information.

1                   Those are your examples: Fishing,  
2 hunting and camping. Any other examples?

3                   A. The only other examples I can think  
4 of at the moment would be the various types of uses  
5 that are going on or can go on in provincial parks.

6                   Q. As far as you are concerned, none of  
7 those things are being assessed here, only their  
8 impacts?

9                   A. No, they are not the subject of this  
10 undertaking.

11                  Q. Your Document No. 3 is the Ministry's  
12 Statement of Philosophy on Integrated Resource  
13 Management, that appears at page 39 of the evidence  
14 outline.

15                  My question is: When did this concept,  
16 integrated resource management, become the leading  
17 force that it is?

18                  I think you referred to it as the main  
19 corporate philosophy of the Ministry. When did that  
20 happen, or you can give me a range of years, if you  
21 like?

22                  A. I believe that I attempted to  
23 indicate in the evidence that the philosophy of  
24 integrated resource management has been a developing  
25 one, and I attempted to show through the development of



1 the land use planning exercise that that philosophy  
2 developed certainly from the 1960s through to the  
3 1980s.

4 Q. Do you know when the phrase was first  
5 used, integrated resource management?

6 A. No, I don't.

7 Q. If I look through the public  
8 publications of the Ministry and its predecessor, would  
9 I find that phrase appearing somewhere along the line?

10 A. I am not sure, there is a lot of  
11 documents that have been published by the Ministry.

12 Q. Now, you have referred to integrated  
13 resource management as the main corporate philosophy  
14 and I think you were asked what corporate means, and  
15 you said that meant something that was approved by  
16 senior officials; is that right?

17 A. Generally, it means approved by the  
18 Deputy Minister.

19 Q. If something is approved by the  
20 Minister, does it attain a status higher or different  
21 than being corporate, in terms of policy?

22 I am trying to get a grasp on what this  
23 term -- what the limits are in this term corporate  
24 policy.

25 A. I think perhaps the easiest way to

1 deal with it is think of corporate as a direction to  
2 the Ministry at large, and it is a direction that all  
3 parts of the Ministry would have to adhere to and live  
4 by.

5 Q. Would Ministry policy be something  
6 broader, or is that just a different term?

7 A. That would just be another  
8 terminology.

9 Q. Okay. Now, you have used the term  
10 stakeholders in your evidence. It appears in your  
11 evidence summary and it appears in a number of the  
12 documents; I think I may have used it also.

13 Do you know where that term comes from?

14 A. I could not give you the precise  
15 origin of it.

16 Q. At one point I think you used it  
17 almost interchangeably with the phrase client groups?

18 A. Client groups.

19 Q. Is it interchangeable?

20 A. In terms of my definition, I can use  
21 it interchangeably. It is a planning term.

22 Q. Have you ever looked up -- oh,  
23 stakeholder is a planning term?

24 A. Client group.

25 Q. Stakeholder is not a planning term;

1 is it?

2 A. Not that I'm aware of.

3 Q. The use to which MNR puts the word  
4 stakeholder is unique to MNR; is it not?

5 A. I don't know. I am not sure to what  
6 use other ministries or organization would put the  
7 term.

8 Q. Well, if I told you that I looked it  
9 up in four different dictionaries and it said in all of  
10 those dictionaries, English. American and Canadian and  
11 a legal dictionary, that it means a person who  
12 literally holds the bet.

13 A. Holds...I am sorry?

14 Q. Holds the bet. If party A is betting  
15 with party B and party C holds the bet, party C is the  
16 stakeholder.

17 A. Oh, all right.

18 Q. Okay. Would you accept that that is  
19 what I found in some dictionaries?

20 A. Yes, I would accept that.

21 Q. Have you ever heard it used in the  
22 sense that MNR uses it anywhere else?

23 A. Not that I recall, although -- but I  
24 would say that I haven't heard it used in terms of the  
25 formal definition that you have described either.

1 Q. Has that term been around MNR for a  
2 long time?

3 A. I cannot give you the number of  
4 years. It is a term that I am familiar with.

5 Q. Now, you gave evidence about resource  
6 management planning becoming more complex over time.

7 Would you agree that the reason why it  
8 has become more complex is because there are more  
9 demands on the resources that you are trying to plan?

10 A. Yes, that is certainly one of the  
11 reasons.

12 Q. What would other reasons be?

13 A. Well, there is more knowledge about  
14 resources today, there is more knowledge about  
15 different aspects of resources, people are more  
16 knowledgeable, the general public has a heightened  
17 awareness and interest in planning as it affects the  
18 environment. All of those are reasons.

19 Q. Are you just assuming that there is  
20 more knowledge, and that the public is more  
21 knowledgeable and that the public is more interested,  
22 or do you have any objective sources for those  
23 statements?

24 A. I'm sorry, I don't know what you mean  
25 by objective sources? Do you mean, have I determined



1 it through research?

2 Q. Has anybody?

3 A. I wouldn't say that we have done --  
4 well, we have not done, to my knowledge, research on  
5 it.

6 But, in terms of the number of the  
7 planning issues that this Ministry has been involved  
8 with and has been involved with over a number of years,  
9 it is apparent that people are more knowledgeable about  
10 resources, about particular resources and have more  
11 opinions to offer on them.

12 Q. Okay. What about the demand? You  
13 agreed that there was more demand for the resources  
14 that you were planning.

15 Do you have any objective sources of  
16 information on that?

17 A. I would -- I don't have a list in  
18 front of me. I think, as an example, if you went back  
19 and looked at the annual harvest from Crown lands in  
20 Ontario of timber, 10 years ago and 20 years ago, and  
21 compared it to what it is today, you would probably see  
22 an increase in terms of the harvest, an indication of  
23 demand.

24 Q. Haven't you done that?

25 A. Have I gone back 20 years in

1 preparation for this hearing? No, sir.

2 Q. No, I mean in your activities as a  
3 planner. If I understand the process correctly, one of  
4 the things that gets done in setting so-called  
5 targets--

6 A. Yes.

7 Q. --is that you look at the history--

8 A. That's true.

9 Q. --of demand?

10 A. That's right.

11 Q. And that is my question: Have you  
12 not done that?

13 A. Yes, we have.

14 Q. Yes. So you are not speculating that  
15 if you look back 20 years there was less demand for  
16 timber, you know that if you look back 20 years there  
17 was less demand for timber; isn't that right?

18 A. That's right.

19 Q. So you have ample objective sources  
20 of information on demand for the resource or the  
21 resources; would that not be correct?

22 A. Yes, yes. Certainly at the time we  
23 undertook the land use planning exercise there was a  
24 great deal of work done.

25 Q. And your annual books of statistics

1 are full of that type of data; are they not?

2 A. Yes, yes.

3 Q. But what I am getting at is: There  
4 is no similar source of information on knowledgeable  
5 publics or interested publics; is there?

6 Or, if there are, let me know.

7 A. You mean there is no similar source  
8 of information to show that people are more interested  
9 now than they were 10 years ago?

10 Q. Right.

11 A. I would agree that I am not aware  
12 that that has been catalogued or shown in terms of a  
13 statistics document anywhere.

14 Q. Well, objective isn't equivalent to  
15 statistical. Any source of information other than your  
16 own impressions and speculation. Are you aware of any  
17 such thing?

18 A. I guess I am going on the basis of --  
19 in answering your question, I am going on the basis  
20 more of experience and the experience that the Ministry  
21 has had in other planning -- in other issues as opposed  
22 to anything else.

23 MR. MARTEL: May I ask a question. Has  
24 the Ministry done any polling -- let me get at that  
25 from you: Has the ministry done any polling recently

1 of the demand?

2 For example, have they asked a question  
3 pertaining to the environment and got a feedback which  
4 leads to the conclusion you draw, Mr. Monzon.

5 The concern for the environment and the  
6 forest, has there been polling done with respect to  
7 that to try to gather the data?

8 MR. MONZON: I'm not aware that -- I'm  
9 not aware that we have done polling on that subject.

10 Certainly there are recreational surveys  
11 that are done from time to time and people express  
12 concerns there about what they see is important. There  
13 may be information like that in those types of surveys.  
14 I can't speak to which particular survey would have it  
15 because I don't know.

16 MR. COLBORNE: Q. Sir, I want to refer  
17 to a map, Exhibit 11. Just look way up here  
18 (indicating) outside of the area of the undertaking,  
19 just for comparison purposes.

20 Do you have an interested,  
21 knowledgeable --

22 THE CHAIRMAN: Would you mind referring  
23 to it in words, Mr. Colborne, so we will get it on the  
24 transcript.

25 MR. COLBORNE: Yes.



1                   Q. The most northerly area of Ontario in  
2 the vicinity of the Severn River where it enters Hudson  
3 Bay, do we have a knowledgeable, interested public in  
4 regards to that territory of Ontario?

5                   MR. MONZON: A. My sense would be that  
6 the interested public for that part of Ontario would  
7 first be the native communities and inhabitants in that  
8 area.

9                   Q. Do you think that their level of  
10 knowledge and interest has increased in the last 20 or  
11 10 years?

12                  A. I would presume so.

13                  Q. Why? They have been living there all  
14 the time.

15                  A. My assumption would be that in terms  
16 of that particular group of people in that area, that  
17 20 years has brought some increased knowledge relative  
18 to the resources and the land base and they would have  
19 more interest in.

20                  Q. Sir, those people have been living  
21 off those resources in that land base, they didn't have  
22 to learn it from you.

23                  A. I am not suggesting they learned it  
24 from me, Mr. Colborne.

25                  Q. Why would it change in 20 years? I

1 mean, what would they have learned in those 20 years  
2 that they didn't know before?

3 A. I am assuming that it would be  
4 information concerning the resources, concerning the  
5 way the resources are managed that would come to their  
6 attention.

7 Q. Well, do you do any resource  
8 management up there, your Ministry?

9 A. In terms of the specifics, it is  
10 mostly in the area of fisheries and wildlife, and I  
11 would not be aware of the specifics that are carried on  
12 and people operating the Moosonee District would be...

13 Q. Well, without pursuing this anymore,  
14 can I suggest to you that it is utterly nominal up  
15 there, utterly and vaguely nominal, you don't even have  
16 any people on the ground up there; do you?

17 A. On the ground?

18 Q. You don't have any people stationed  
19 up in that territory of Ontario?

20 A. Where you pointed to, on a permanent  
21 basis, no.

22 Q. And why not; there is land up there,  
23 there are resources up there. What is the difference  
24 between that territory and the territory of the  
25 undertaking?

1                    Knowledgeable people, no. The difference  
2                    is that no non-Indians want the resource, right, so  
3                    therefore you are doing nothing.

4                    A. When you say want the resource what  
5                    would you mean by resource?

6                    Q. Well, it depends on who comes along.  
7                    Didn't Polar Gas come along and then the Ministry of  
8                    Natural Resources was screwing in circles trying to  
9                    find out what wa there?

10                   A. The Ministry of Natural Resources  
11                   undertook the gathering of some background information.

12                   Q. Didn't Reid Paper come along and say:  
13                   We want to cut all these trees down and then MNR  
14                   immediately started screwing around to find out what  
15                   was there?

16                   A. It is background information again.

17                   Q. Didn't MNR get pushed into finally --  
18                   this is a cross-examination.

19                   MR. FREIDIN: It is cross-examination,  
20                   but I don't see the relevance of all of this.

21                   THE CHAIRMAN: Well, I think in view of  
22                   the fact it is cross-examination, Mr. Freidin, in view  
23                   of the fact that we are discussing the Ministry's  
24                   management practices and their planning initiatives, et  
25                   cetera, I think it is fair game to indicate where their

1 planning stops and where their resources, in terms of  
2 the Ministry's resources, manpower resources stops, and  
3 I think Mr. Colborne is exploring that quite properly.

4 Carry on, Mr. Colborne.

5 MR. MONZON: I think, just in line with  
6 the discussion, Mr. Colborne, that the goal of the  
7 Ministry is to provide opportunities for economic or  
8 social benefits for the people of Ontario.

9 MR. COLBORNE: Q. Sir, I can read the  
10 Ministry's public justifications. I am trying to get  
11 at, if at all possible, the true motivations if they  
12 are different from the public justifications.

13 I am not saying they aren't, I am saying  
14 they might be.

15 I am also saying that your Ministry has  
16 almost, without exception, never been exposed to  
17 independent appraisal of its practices, that your  
18 Ministry acts entirely as an empire onto itself, that  
19 there is never or rarely any independent opportunity to  
20 question or criticize what your Ministry does.

21 A. Mr. Colborne, all I am attempting to  
22 say is that given that the goal of the Ministry is to  
23 provide opportunities, it follows that when submissions  
24 are made to the Ministry, whether it be from Polar Gas  
25 or Reid Paper or the goose camps along the shore of



1 Hudson Bay, that the Ministry will follow up on those  
2 requests and those enquiries in some way.

3 So what I am trying to stress is the  
4 word opportunities.

5 THE CHAIRMAN: Why, Mr. Monzon, wouldn't  
6 the Ministry gather all this background data that would  
7 be important to companies or the private sector that  
8 might want to harvest the resource?

9 Why wouldn't it gather this background  
10 data to have as a data base so that it could properly  
11 manage all of the resources of Ontario?

12 MR. MONZON: To some degree, Mr.  
13 Chairman, that data is available; in other cases, it is  
14 not.

15 In the request from the Reid area which  
16 Mr. Colborne referred to, a significant inventory work  
17 had to be established in undertaking the development of  
18 the West Patricia land use plan because the data was  
19 not available.

20 For example, a whole inventory had to be  
21 done relative to the timber resource in the area.

22 In other cases, it is -- while there is  
23 general information relative to resources, and that is  
24 always available and available, you know, at request,  
25 When there are specific requests, one attempts to focus

1 the data and package it for people who make the  
2 request.

3 I am not sure I have totally answered  
4 your question, but -- aside from getting into the  
5 limitations of resources to do all that.

6 MR. COLBORNE: Q. Well, would you agree  
7 then, Mr. Monzon, that your planning activity -- your  
8 Ministry's planning activity is very largely driven by  
9 how much demand there is for a particular resource or  
10 resources, in terms of allocating your own resources?

11 If there is a demand, you do the work; if  
12 there is no demand, you don't.

13 A. The demand on the resources certainly  
14 plays a great part in determining the priorities under  
15 which we are going to be doing work.

16 Q. And if there is more than one demand  
17 then you have to balance competing interests; right?

18 A. Well, you would have to look at the  
19 priorities relative to those demands, yes.

20 Q. Okay. And if there is great demand,  
21 if you got an enormous number of competing interests,  
22 then it is right out of your bailiwick, right, it has  
23 probably gone into private ownership or it is municipal  
24 or it is something, it is way more complicated, is  
25 that -- do I understand the parameters of your

1 jurisdiction?

2 A. I am not sure I follow your...

3 Q. Let me give you an example then.

4 Now, looking at Exhibit 11 once more. Now, the very  
5 southern area, Chatham; is that one of your districts?

6 A. Yes, it is.

7 Q. And that is namely agricultural?

8 A. Yes.

9 Q. You do some planning down there  
10 because there is no doubt some Crown land?

11 A. There is a little bit -- there is a  
12 little bit of Crown land, there is certainly not very  
13 much.

14 Q. That is because it's largely  
15 privately owned, it's largely planned by somebody else,  
16 right, whether it is a private owner or whether it's  
17 the municipal authority or -- somebody else is taking  
18 care of the planning down there; am I right?

19 Surely you are not suggesting that nobody  
20 plans down there?

21 A. I am just hesitating because my sense  
22 is that you are indicating that all of the Chatham  
23 District and all of the agriculture land would be  
24 planned.

25 I am not sure if all of the

1 municipalities have official plans in place or not.  
2 Certainly, that would be the body that has  
3 responsibility for that.

4 Q. But, by and large, your Ministry has  
5 very little to do in terms of planning down there; am I  
6 right?

7 A. With the exception of the fisheries  
8 and wildlife resources.

9 Q. Okay. Now, I used that as the  
10 example where you seemed to not quite understand what I  
11 was trying to get at.

12 Am I right that where there is virtually  
13 no demand, as in the very far north, you do very  
14 little, for the reasons that you have stated?

15 Am I right in that?

16 A. I think I would state that where  
17 there is low demand, the Ministry is active to the  
18 degree that it can to serve the people in that area.

19 THE CHAIRMAN: That really doesn't answer  
20 his question. His question, I think, is basically:  
21 Where there is low demand, the Ministry's planning  
22 activities will accordingly decrease as well.

23 MR. MONZON: They would be less than in  
24 other areas, yes.

25 MR. COLBORNE: Q. And where there is



1 high demand and very high activity, as in the very  
2 south, then it has passed out of your jurisdiction, by  
3 and large?

4 A. By and large. The way that the  
5 impact -- the way that we contribute to planning where  
6 the land is in other ownership, is through the plan  
7 review process with municipal plans.

8 Q. All right. But you are no longer the  
9 primary planner?

10 A. That's right.

11 Q. Okay. So your Ministry's main  
12 planning activity falls between those two extremes?

13 A. All right.

14 Q. Mainly on Crown land?

15 A. Yes.

16 Q. And mainly where there is demand for  
17 a resource and competing demands for a resource?

18 A. Yes.

19 Q. Very roughly, the area of the  
20 undertaking?

21 A. Yes.

22 Q. Would you say that most of your  
23 planning takes place between those two red lines on  
24 Exhibit 11?

25 A. Yes, with the exception of -- in

1 terms of the land use planning, yes, it would take  
2 place certainly in the area where there is mostly Crown  
3 land, and that is generally between the red lines.

4 Q. And your Ministry does this  
5 exclusively; I mean you don't work hand-in-hand with  
6 four or five other ministries?

7 I am not saying you don't talk to them, I  
8 am not saying there isn't formal input from them, but  
9 you are the lead Ministry for this planning?

10 A. Yes, we are the lead Ministry for  
11 that.

12 Q. Am I right that at one time under  
13 this old Treasury, Economics and Intergovernmental  
14 Affairs, there were two ministries, yours and that one,  
15 responsible jointly for the planning?

16 A. No, I am not sure that would be  
17 correct.

18 I think Treasury and Economics back in  
19 the early 70s was responsible for setting the broad  
20 direction of government. If you -- and they, for  
21 example, in the northwest produced a design for  
22 development statement.

23 The Ministry attempted to utilize that as  
24 part of the framework under which they would develop  
25 the Strategic Land Use Plan for the northwest.

1 Q. But, as far as you know, no planning  
2 documents, whether preliminary or not, were ever  
3 produced jointly by these two ministries, or are you  
4 saying you just don't know?

5 A. Well, certainly nothing was produced  
6 jointly by the two ministries. The one that I can think  
7 of further of joint participation was in the General  
8 Land Use Plan for Lake of the Woods which has the  
9 signature of two ministers on it.

10 Q. And that was joint with -- I am  
11 sorry, was it the Ministry of Housing?

12 A. I believe it was Municipal Affairs  
13 and Housing at that time.

14 Q. Yes. With that, and perhaps some  
15 other exceptions, is it the rule in the last, say, 10  
16 years or maybe even 20 years, that the lead ministry  
17 for land use planning on public lands in Ontario has  
18 been the Ministry of Natural Resources and only the  
19 Ministry of Natural Resources?

20 A. Yes, I think that is probably  
21 correct.

22 Q. Now, if I understand your evidence  
23 correctly, one of the ways that you, I suppose, try to  
24 assure that there is more input than simply the  
25 thoughts within the Ministry, are -- or is the public

1 consultation process, that is part of planning?

2 A. Yes, that's correct.

3 Q. Okay. Now, you said in your  
4 evidence-in-chief that in the past there had been a  
5 perception that the public consultation process was one  
6 way?

7 A. Yes.

8 Q. And you said that that is something  
9 that had to be changed?

10 A. Yes.

11 Q. Do you think that that perception  
12 still persists, or do you think that you have now  
13 overcome that perception?

14 A. I think there may be - and I am  
15 speculating - I think there are likely situations  
16 where, to some degree, that perception has been  
17 overcome. There are probably other situations where  
18 that still exists.

19 Q. Is there anything before us in your  
20 evidence, concerning planning, showing a more open or  
21 flexible or aggressive - or whatever adjective one  
22 wants to attach to it - approach to public input in  
23 recent years?

24 What is it -- you produced a pamphlet  
25 here last week that had just been published, I take it.



1 That is one thing I know you produced.

2 But what about in the documents that you  
3 produced in preparation for this hearing, is there  
4 anything new that tells us that, say, in the last two  
5 years or in the last three years you have changed your  
6 approach and you have become more open?

7 A. Certainly, the intent in discussing  
8 the land use planning process of the Ministry and how  
9 that developed, up through to until 1982, was to help  
10 to set the context for the Board as relative to  
11 resource management planning.

12 But there was a system in place that we  
13 had regional planning, we had district planning, and  
14 then we got into the resource management planning and  
15 got a fair bit more specific.

16 Q. Well, let me be more precise. We  
17 have, for instance, your 1980 Guidelines for Land Use  
18 Planning at page 43 of the evidence collection; we have  
19 Exhibit 10 which is a more recent version of the same  
20 type of thing.

21 I think that some of the  
22 cross-examination already, Mr. Monzon, has focused on  
23 the apparent toughening over time of the approach to  
24 public input as opposed to any indication in the  
25 documents of more openness.

1                   So my question is: Where do we look in  
2 what you have produced by way of documents as opposed  
3 to what you have said, that shows us that the MNR, over  
4 a period of years, has become more open as opposed to  
5 perhaps even less open? More two-way as opposed to  
6 less two-way?

7                   A. I guess I would point to the example  
8 shown on page 41 and 42 of the resource themes. On  
9 page 42, for example, it talks about the Community  
10 Fisheries Involvement Program --

11                  Q. Sir, you are looking at what?

12                  A. Document 42 of the witness statement.

13                  Q. Yes, this is something that was  
14 produced for this hearing and for no other purpose; am  
15 I correct?

16                  A. The elaboration of the three key  
17 integrated themes?

18                  Q. Yes.

19                  A. Yes.

20                  Q. Well, can you show us something that  
21 was not produced for purposes of this hearing?

22                  A. Mr. Colborne, everything aside from  
23 the land use plans, the -- I am sorry, I am not sure  
24 what you are asking me.

25                  Q. I am asking you to point out in the

1 documents that your Ministry uses when carrying out its  
2 planning exercises and showing me that there is  
3 something new or there is a trend in a certain  
4 direction, that direction being away from one-way  
5 communication toward two-way communication.

6 Now, you have said under oath that that  
7 is what is happening; you said that it is getting  
8 better - I'm paraphrasing on this - but I wanted to  
9 know from some source, other than just what you say, I  
10 want to see it in some document that was produced and  
11 not written solely for use at this hearing.

12 A. I guess I would have to go to  
13 documents which are not here which describe the  
14 Community Fisheries Involvement Program, which describe  
15 the Community Fisheries -- or the Community Wildlife  
16 Program, to information relative to the allocation of a  
17 certain percentage of moose tags, to tourist operators.

18 It was not a subject that -- well,  
19 anyway, those sorts of things.

20 The Forest Management Agreements and the  
21 public involvement that goes into the determination of  
22 those, and also the public involvement involved in the  
23 timber management plan. It was not a subject that we  
24 chose to deal with specifically as an item in this  
25 hearing.

1 Q. When you say it was not a subject  
2 that you - maybe I am definitely paraphrasing now -  
3 public input was not a subject that you --

4 A. No, I'm sorry.

5 Q. ---intended to deal with specifically  
6 at this hearing?

7 A. No, the point of -- what was not a  
8 subject was an attempt to indicate, by specific  
9 examples of other documents and guidelines, the extent  
10 to which public participation and consultation had  
11 moved forward from 1982 to 1988.

12 Q. You have referred to two or three  
13 documents. Is there any document that focuses on that  
14 subject itself as opposed to illustrating the point?

15 A. That focuses on the subject of public  
16 consultation?

17 Q. Yes. Could I look, for instance, in  
18 your Statistics 1987 and find a chart showing that our  
19 input from the public has increased year by year since  
20 1980 because we have had this many letters, this many  
21 that, this many open houses, and so on and so forth?  
22 Anything like that?

23 A. No, we have not documented that sort  
24 of thing. We don't document the number of letters we  
25 receive, the number of open houses that we hold. We



1 have not documented the number of open houses that have  
2 been held with respect to fisheries management plans  
3 that are being developed.

4 Q. But you did, when you were preparing  
5 the land use plans, now land use guidelines; is that  
6 correct?

7 A. Yes, that's correct.

8 Q. That appears in every District Land  
9 Use Guideline?

10 A. That's right, yes.

11 Q. But since then you haven't?

12 A. That would be correct.

13 Q. So it's your feeling or you believe  
14 that the input is much broader and wider and more  
15 effective now; is this what your testimony is?

16 A. That is my sense, yes.

17 Q. Is there any policy direction or  
18 anything - I am not talking now about data, I am  
19 talking about policy - that we would look to in that  
20 regard?

21 Is there anything coming down from the  
22 Minister or the Deputy Minister saying: From now on  
23 make sure there is two-way communication as opposed to  
24 the old perception of one-way communication?

25 A. Well, I think in the statement on

1 integrated resources management on page 40, the fifth  
2 guideline, there is direction relative to maintaining  
3 open and effective communication within the Ministry  
4 and with outside agencies and groups and public.

5 Q. Yes, I will be getting to that in a  
6 moment.

7 A. And why that's important.

8 Q. Are you saying that that adds  
9 anything to what one would find in the 1980 Guidelines  
10 for Land Use Planning or in Exhibit 10, the -- excuse  
11 me, the 1974 Guidelines for Land Use Planning or in  
12 Exhibit 10, the 1980 Guidelines for Land Use Planning?

13 Are you suggesting that that passage at  
14 page 40 of your statement of philosophy adds something  
15 to what had already been there?

16 Quite frankly, Mr. Monzon, the way I read  
17 it, it seems to suggest even less public participation  
18 than the earlier document. That's why I am asking the  
19 questions.

20 I seem to see a trend of tightening up  
21 and antagonism toward the public in the documents, but  
22 I hear you saying otherwise. That's why I'm asking the  
23 questions.

24 A. I guess what I am having trouble  
25 with, Mr. Colborne, is where you get the perception of

1 tightening up and being more restrictive as opposed to  
2 being otherwise.

3 Q. Okay. I will get to that in a  
4 moment, then.

5 Both the 1974 and the 1980 land use  
6 planning guidelines directs planners to consider the  
7 local people to be the primary client group; is that  
8 correct?

9 A. I am sorry, Mr. Colborne?

10 Q. Both the 1974 land use guidelines --  
11 land use planning guidelines and the 1980 ones direct  
12 planners to consider the local people to be the primary  
13 client group; is that correct?

14 A. Yes, the direct planners and  
15 managers.

16 Q. Yes. And I believe that you said  
17 that was indeed the case in the northeastern Ontario  
18 planning process and that you were involved with that?

19 A. The northeastern?

20 Q. Yes.

21 A. No, I am sorry I was not involved  
22 directly in the northeastern. I was involved more  
23 directly in the northwest.

24 Q. I believe you said in answer to a  
25 question from your counsel that native people living in

1 northeastern Ontario were considered to be among the  
2 local and traditional users of the natural resources.

3 Without having to quote chapter and  
4 verse, do you recall saying that?

5 A. Yes.

6 Q. I would draw the suggestion that you  
7 may have said that you were intimately involved with  
8 planning in the northeast, but you are sufficiently  
9 knowledgeable to have given that answer?

10 A. Yes.

11 Q. Yes. I see. Would you say that that  
12 process was a success in the northeast?

13 A. Involving the native people?

14 Q. Yes.

15 A. No, I don't think that process was a  
16 success in the northeast, nor do I think it was a  
17 success in the northwest.

18 Q. Why?

19 A. Well, it was very difficult to get  
20 involvement and I think one of the things there was  
21 difficulty with was the issue of, in essence, the  
22 ownership some of the resources.

23 I also don't think that, from the  
24 standpoint of natural resources, that we know  
25 necessarily the best ways to involve the native people.



1 Q. Are you working on that as a problem?

2 A. Well, certainly in the development of  
3 the Land Use Guidelines for Moosonee District, my sense  
4 is that that is going much better in terms of  
5 involvement with the native people.

6 Q. Is that the extent of your answer to  
7 my question of whether you are dealing with it as a  
8 problem?

9 A. Are you looking for specific  
10 initiatives that we are undertaking to try and deal  
11 better with it?

12 Q. Well, maybe I will break the question  
13 up into parts.

14 Does the Ministry consider the difficulty  
15 or failure, or partial failure of the process that we  
16 have referred to, as a problem?

17 A. Yes, I would say that the Ministry  
18 recognizes that as a problem.

19 Q. What is the Ministry doing to solve  
20 it? Now, you have mentioned, I gather, different  
21 approaches in the Moosonee District, but other than  
22 that?

23 A. I think one of the central issues is  
24 the question of their ownership of the resources and  
25 the various treaty rights that may or may not apply in

1 the area.

2 Q. And what is the Ministry doing to  
3 resolve that central issue?

4 A. I think, if I might, refer that to a  
5 later panel which Mr. Freidin referred to earlier, it  
6 is really not my particular area of expertise.

7 Q. Would that be Panel 6?

8 MR. FREIDIN: Yes.

9 MR. COLBORNE: That's the one that is  
10 described as the one that will describe interest  
11 groups?

12 MR. FREIDIN: That's the panel that will  
13 explain the meaning of paragraph 7 of the Environmental  
14 Assessment Document that I referred to.

15 MR. COLBORNE: Thank you.

16 Q. Mr. Monzon, continue if you had more  
17 to say on that.

18 You say that one of the central issues  
19 was ownership and treaty rights, and are there other  
20 issues -- excuse me, are there other approaches that  
21 the Ministry is taking to resolving the problem that we  
22 initially identified; that is, that the consultation  
23 process in the northeast and the northwest wasn't as  
24 successful as you wanted it to be?

25 MR. MONZON: A. Well, I think the local

1 district managers are pursuing consultation with the  
2 local native communities on an individual basis. The  
3 specific techniques or variety of techniques that they  
4 are using, I am not aware of.

5 THE CHAIRMAN: Mr. Colborne, could we  
6 pick a convenient spot for a break?

7 MR. COLBORNE: Yes. Now, would be  
8 convenient for me.

9 THE CHAIRMAN: Very well. We will return  
10 at ten to five.

11 Ladies and gentlemen, we are hoping today  
12 to go until 6:30, a quarter to seven after this break,  
13 if that is acceptable.

14 ---Recess taken at 4:33 p.m.

15 ---Upon resuming at 4:50 p.m.

16 THE CHAIRMAN: Thank you, ladies and  
17 gentlemen. Please be seated.

18 Sorry, Mr. Colborne.

19 MR. COLBORNE: Thank you, Mr. Chairman.

20 Q. Mr. Monzon, I was interested in an  
21 example that you gave in your evidence-in-chief about a  
22 situation where the hardwood pulp market overseas just  
23 took off, were your words, and there was a fivefold  
24 increase.

25 I am not sure if you meant in the demand

1 or in the authorized production or...?

2 MR. MONZON: A. In the harvest.

3 Q. --the actual harvest. And I think  
4 you were using that example to demonstrate that the  
5 targets and so on in the plans are not carved in stone.

6 Did I understand the context correctly?

7 A. Yes, and to indicate that there are  
8 outside influences that come to bear upon the  
9 situations that relate to the setting of targets and  
10 adherence to targets.

11 Q. What do you mean by outside, do you  
12 mean...

13 A. Such as a sudden demand for hardwood  
14 pulp on an overseas market that would not be foreseen.

15 Q. So by outside you mean unforeseen?

16 A. Yes.

17 Q. If this demand had all of sudden  
18 materialized in North America, would you have still  
19 called it outside?

20 A. I am sorry, the choice of words would  
21 be better to be unforeseen.

22 Q. Unforeseen. Does that type of thing  
23 happen very often?

24 A. I suppose it happens from time to  
25 time. I don't know if it -- I don't know. I couldn't



1 tell you how many times a year or what commodities.  
2 There are other examples, I just happen to know of that  
3 one.

4 Q. Doesn't that illustrate one of the  
5 problems with the planning process, and that is that  
6 you can't anticipate everything that comes along?

7 A. Yes.

8 Q. Now, where do you draw the line,  
9 though, between those unanticipated events or factors  
10 that materialize which lead to changes in allocations  
11 and those that materialize that lead to no changes,  
12 where you refuse to make a change?

13 What's the difference? What criteria do  
14 you use?

15 A. Well, generally you try and arrive at  
16 a point in setting a target which is going to be - I am  
17 summing it up - using the best information that one has  
18 available relative to potential demand, present use and  
19 all of that, and yet at the same time leave enough  
20 flexibility that if unforeseen situations happen, like  
21 this hardwood pulp situation, that there is the ability  
22 within the inherent natural capability of the resource  
23 base to support that.

24 Q. Okay. But if I wanted to look  
25 somewhere and find a list or find even a statement of

1 philosophy as to when MNR will depart from its  
2 allocation numbers, its targets and so on, and when MNR  
3 will not depart from its targets in the plans, where  
4 would I look, or does such a thing exist?

5 A. I don't know that you would find a  
6 statement that says categorically where the Ministry  
7 will not depart from a statement or a target within a  
8 land use guideline.

9 Q. So that's purely discretionary within  
10 the power of the officials within the Ministry or, in  
11 some cases, the Minister himself may become involved;  
12 am I right?

13 A. To say that one will not depart?

14 Q. No, the decision in each case to  
15 depart from a target, for instance, identified in a set  
16 of land use guidelines?

17 A. Well, certainly there is an  
18 indication - and I just don't have the page in front of  
19 me - in terms of the Wawa Land Use Guideline, where it  
20 indicates the types of situations that can arise that  
21 are going to lead to the necessity for flexibility  
22 relative to target achievement.

23 Q. Well, if you find that while I am  
24 still asking you questions, would you point that out to  
25 me.

1                   Now, you used that example of an  
2                   unanticipated market change. Are there unanticipated  
3                   political changes; in other words, demands to change in  
4                   allocation for political reasons that you have ever  
5                   been exposed to or know about?

6                   A. Change in allocation for political  
7                   reasons?

8                   Q. Yes. Well, Parks, as an example;  
9                   don't you agree that the decisions in regard to  
10                  provincial parks are, in part, political?

11                  A. Yes, certainly the government and the  
12                  Cabinet set the policy relative to parks.

13                  Q. They are not economic, they are not  
14                  talking about the dollars that will be earned by the  
15                  economy or not earned by the economy, these are policy  
16                  or political decisions; right?

17                  A. (Nodding affirmatively)

18                  Q. So I am asking if you know of any  
19                  examples, and I have suggested perhaps the park area,  
20                  but you answer my question, if you can, from your own  
21                  experience.

22                  A. Well, I guess the park area in terms  
23                  of -- the parks area, in terms of the recent decision  
24                  of the Government of Ontario relative to parks.

25                  Q. That's going to impact, I assume, on

1 the District Land Use Guidelines in a number of  
2 districts; would it not?

3 A. Yes.

4 Q. If we took -- in fact, I don't know  
5 where those parks are. If we took Blind River  
6 District, I can see that on Exhibit 11, let's assume  
7 there are a couple of parks announced for there. Just  
8 assume that, I don't care if it is true or not.

9 Would the effect of that announcement  
10 that we have just heard in the last week be that the  
11 timber allocation for that district might have to be  
12 adjusted, target?

13 A. The district of where those parks are  
14 located, the districts will have to examine their land  
15 Use Guidelines to determine whether or not there is any  
16 effect as a result of that announcement.

17 Q. Any examples other than within the  
18 area of allocation of land to parks that you would  
19 characterize as -- which you would characterize as  
20 policy or political, as opposed to questions of  
21 economic demand for a product?

22 A. Well, certainly the government has  
23 made a decision that it is not prepared to sell the  
24 water resources of the province.

25 Q. Any other examples?



1 A. Those are the two that come to mind.

2 Q. Thank you.

3 Sir, you said in your evidence-in-chief  
4 that there are no District Land Use Guidelines in  
5 Geraldton, Sioux Lookout and Red lake Districts pending  
6 the response of the Province of Ontario to the Royal  
7 Commission on the Northern Environment.

8 Did I understand you correctly?

9 A. That's correct.

10 Q. Is the policy of the government then,  
11 I take it, that District Land Use Guidelines for those  
12 districts will not be produced until what, exactly?

13 I think you referred to response, but  
14 what is it that has to happen, in your understanding of  
15 the policy of the province at this time, before these  
16 guidelines would be produced?

17 A. The direction that we received was  
18 that the Land Use Guidelines for those districts were  
19 not to go ahead pending the completion of the -- Mr.  
20 Fahlgren's Report and the response of the government to  
21 that. And beyond that, I can't make any comment.

22 Q. And I think you said that there was  
23 some response to Commissioner Fahlgren's Report, but  
24 not a formal response, that the government is  
25 responding to the report in a number of ways.

1 A. Yes.

2 Q. Is that your understanding?

3 Well, what I want to get at is: At what  
4 point in time will the response process be complete?  
5 What has to be done before the report will be  
6 considered responded to; do you know?

7 A. I don't know.

8 Q. Who would know that? Is there  
9 somebody else within the Ministry who would know that,  
10 or are we into questions of policy that has not yet  
11 been made yet?

12 A. I think what I am saying, Mr.  
13 Colborne, is I don't know where the decision making --  
14 I don't think it's the -- I just don't know the answer  
15 to your question.

16 THE CHAIRMAN: Mr. Monzon, would you be  
17 expecting a formal go-ahead from somebody to say: Now,  
18 prepare these land use plans, or is it your  
19 understanding that you can charge ahead when the  
20 response of the government is known about Commissioner  
21 Fahlgren's Report?

22 MR. MONZON: No, I think before the  
23 Ministry moved ahead -- if we make the assumption there  
24 is a government response; before the Ministry moved  
25 ahead, I think the Ministry would want to ensure that

1 it was still the intention to complete the Land Use  
2 Guidelines for those four districts.

3 THE CHAIRMAN: So there would be a formal  
4 directive issued by the Deputy or the Minister to the  
5 Planning Branch or something?

6 MR. MONZON: Yes, there would have to be  
7 a formal direction given.

8 MR. COLBORNE: Q. Mr. Monzon, I was very  
9 interested in your response to the question as to  
10 whether the amount of timber in an area is usually  
11 overestimated or underestimated, and you said it was  
12 usually underestimated.

13 Do you know why that is? Is there a  
14 reason for, that from a planning or forestry point of  
15 view?

16 MR. MONZON: A. There is no -- the only  
17 reason I can give you is that practice has -- the  
18 history has generally shown that where timber estimates  
19 have been made they, have usually been on the low side,  
20 underestimated of what is actually there.

21 Q. But you don't know why that is the  
22 case?

23 A. It could be any number of reasons  
24 relative to the volume table, relative to -- it could  
25 be because of the inventory, it could be because of the

1 work of the people that have carried it out, it could  
2 be because of a faulty full interpretation, it could be  
3 for any number of reasons.

4 MR. MARTEL: Can I ask a question. Is it  
5 because there has been a shortage of people, foresters  
6 involved by the Ministry in doing the assessment of  
7 what's there?

8 MR. MONZON: I don't think I would use  
9 that, Mr. Martel, as a reason why the volumes -- why  
10 the experience has shown that the volumes are  
11 underestimated.

12 MR. MARTEL: My understanding, and again  
13 I am just going my memory, is that there was a shortage  
14 of foresters employed and that created some of the  
15 problem. Maybe my assessment is wrong.

16 I think when the report that is going to  
17 come in from Mr. Armson -- I think Mr. Armson was one  
18 of those who pushed very hard to have more foresters  
19 involved. One of the underlying problems he saw was  
20 the lack of foresters involved.

21 MR. MONZON: Well, certainly Mr.  
22 Baskerville made that point, that each forest  
23 management unit should have a forester - I believe he  
24 used the term - dedicated to that unit.

25 MR. COLBORNE: Q. Now, Mr. Monzon, I



1 would like you to turn to your Document No. 3 at page  
2 39 of your evidence outline. We have referred to this  
3 already. This is the statement of philosophy on  
4 integrated resource management.

5 On the second page there are at least two  
6 references to -- well, one at paragraph 3, little (i)  
7 in the middle of the page.

8 A. Yes.

9 Q. "The key to success is for every  
10 individual MNR staff member to adopt a  
11 positive attitude and commitment to IRM."

12 And then on page 3 --

13 A. I am sorry, Mr. Colborne, I've lost  
14 you. You are on page 39?

15 Q. No, page 40?

16 A. I am sorry.

17 Q. The second page of the document.

18 A. "Expectations"?

19 Q. Yes.

20 A. Okay.

21 Q. The first paragraph there. if you go  
22 down to the third paragraph under "Expectations",  
23 within the body of that paragraph the following  
24 language appears:

25 "In developing MNR policies, procedures

1                   and training courses all staff must  
2                   adhere to the philosophy of IRM...", et  
3                   cetera.

4                   Now, my question is: Have you had an  
5                   attitude problem within the Ministry, hostility towards  
6                   this approach?

7                   A. No, I don't think we have had an  
8                   attitude problem in terms of hostility towards the  
9                   approach.

10                  What we are trying to speak to here is  
11                  the necessity to ensure that staff at all levels of the  
12                  organization are considering the principles of  
13                  integrated resource management at all levels, and the  
14                  fact that one is a forester or a biologist, does not  
15                  mean that that individual can specifically -- can only  
16                  be specifically concerned with the resources within his  
17                  or her discipline.

18                  Q. Okay, that is fine, sir. The answer  
19                  is: No, that there is no attitude problem and has been  
20                  no attitude problem?

21                  A. That's right.

22                  Q. Do I understand you correctly?

23                  A. Yes.

24                  If I might, you asked me in terms of if I  
25                  ever found that section relative to where we talked

1 about what influences could affect target achievement.

2 I would refer you to page 9.8 of the  
3 witness statement under Terms of Reference (b), and at  
4 the bottom of the left-hand column in the last  
5 paragraph, the last sentence of that paragraph reads:

6 "The actual level or degree of target  
7 achievement depends on a variety of  
8 factors such as:

9 - the validity of original  
10 assumptions on which the target was  
11 based;  
12 - the legislative approval of  
13 necessary funding and staffing to carry  
14 out the level of resource management --"

15 Q. Okay. I can finish reading that.

16 A. Okay.

17 Q. The question though, sir, was: What  
18 guidelines appear to draw the line between what new  
19 facts will lead to a changing of the targets and what  
20 new facts will lead to not changing the targets?

21 What is the difference between the  
22 industry walking into the Deputy Minister's office - or  
23 whoever's office they walk into - and saying: We have  
24 got a fivefold increase in demand for hardwood pulp in  
25 Europe, change your policy, we need it, we can sell it,

1 we can make some bucks. This is what you have to do.

2 That was done, obviously.

3 And the little guy who walks in and says:  
4 I would like a licence, and your district manager says:  
5 Sorry, it is not in the plan, or sorry we have  
6 allocated everything, don't waste my time. I want to  
7 know who gets changes and who doesn't and why?

8 A. There is a section in every land use  
9 guideline -- just let me look for a moment. Well,  
10 certainly on page 39, which is the forward of the  
11 document, the second paragraph on the right-hand side  
12 indicates that:

13 "Targets and strategies are subject to  
14 revision based on such factors as:  
15 - changes in government policy;  
16 - new or refined resource information;  
17 and,  
18 - significant changes to land use and  
19 other planning documents."

20 Q. But would you agree that when a  
21 decision is made to depart or not depart from what  
22 appears in a District Land Use Guideline, for instance,  
23 that decision is made on a case-by-case basis?

24 A. Yes, that decision is made on a  
25 case-by-case basis and, generally, the district manager



1 will make the decision as to whether it is a minor  
2 situation or a major change.

3 I mean, the example that we used in terms  
4 of the hardwood pulp, on the face of it that may seem  
5 to be a major change.

6 My understanding is that in terms of the  
7 present -- in terms of the district that was involved,  
8 even the increase of five times the harvest of the  
9 hardwood in question was still well within the  
10 allowable cut of that particular district.

11 So there would have been no changes  
12 required in the Land Use Guideline.

13 Q. But it is discretionary in each case  
14 and that discretion is generally exercised at the  
15 district level?

16 A. There is discretion. I am hesitating  
17 because I believe there is a section in the document  
18 that talks to the review of the guidelines, and I am  
19 just having trouble putting my finger on it right away.  
20 Perhaps that is one I can come back to.

21 Q. Certainly.

22 Now, what expertise do your district  
23 people have in planning? I am sure it varies, but can  
24 you state anything generally about that, planning,  
25 resource allocation and so on?

1                   A. Without going into it in detail,  
2 because I don't have that information, my sense would  
3 be that there would be a variety of experience relative  
4 to the various resource management disciplines and the  
5 staff in the district, again, would have that variety  
6 of expertise together with experience in planning.

7                   Q. Well, if you are just going to tell  
8 me that it is varied, you don't have to tell me it in  
9 five different ways.

10                  You are unable to generalize about it  
11 other than to say it varies?

12                  A. I would repeat the answer that I gave  
13 you, which...

14                  Q. Okay, it varies. Now, how many  
15 professional planners do you have at the district  
16 manager level?

17                  A. I don't know the answer to that  
18 question offhand.

19                  Q. Are a lot of your district managers  
20 people who have spent their entire careers within the  
21 Ministry?

22                  A. A number of them are, yes.

23                  Q. And they would sort of be  
24 grandfathered into these areas of expertise?

25                  A. No, I don't think they would be

1       grandfathered in, they would go -- I am sorry, into  
2       areas of expertise.

3                   Q.   Well, let's take planning.  They  
4       wouldn't be hired from outside as planners, some of  
5       them would just have come up through the MNR ranks,  
6       through their entire careers would have done sufficient  
7       planning that they would consider themselves planners;  
8       is that...

9                   A.   Some would have come up through the  
10      ranks and have gained some experience relative to  
11      planning.  Others would be planners.

12                  Q.   Okay.  What training is carried on in  
13      the Ministry to make sure that these people who make  
14      these decisions are up to date on things other than  
15      Ministry policy, in the planning area, I will use that  
16      as an example?

17                  A.   You are talking about specific  
18      courses?

19                  Q.   Well, in some industries, for  
20      instance, executives are encouraged to obtain  
21      increased -- or certain types of academic credentials,  
22      this type of thing, to get them exposed, to get them  
23      involved in some way outside of the area where they  
24      work all the time so they gain different perspectives.

25                  Is that done?

1 MR. DOUGLAS: A. Mr. Colborne, perhaps I  
2 could answer that because I have responsibilities for  
3 the branch now.

4 Q. I haven't asked you that question,  
5 sir.

6 THE CHAIRMAN: Just a minute. I think  
7 counsel, under the rules we have established, Mr.  
8 Douglas, can pose whatever question he wants to a  
9 specific witness.

10 MR. DOUGLAS: Okay.

11 THE CHAIRMAN: If that witness cannot  
12 answer that question and so specifies, the Board may,  
13 nevertheless, want the answer from another member of  
14 the panel who can.

15 And the reason for that, Mr. Colborne, is  
16 is that we would acknowledge whatever credibility value  
17 there is in posing the question to the first witness  
18 who then cannot answer, but the Board, in order to  
19 arrive at an appropriate decision, nevertheless, wants  
20 the answer if it can be provided by another member of  
21 the panel.

22 MR. COLBORNE: Yes. Thank you, Mr.  
23 Chairman.

24 Q. If I understand you correctly, I  
25 should leave the question before Mr. Monzon and see



1       what he says?

2                   THE CHAIRMAN: Well, you can ask it to  
3       Mr. Monzon. If he cannot answer the question, rather  
4       than the Board going without the answer, if it can in  
5       fact be provided by Mr. Douglas, I think we would like  
6       to have the answer. We would, of course, note in all  
7       probability that you asked Mr. Monzon that question and  
8       he could not answer it.

9                   MR. COLBORNE: Yes.

10                  THE CHAIRMAN: If it were a question that  
11       we perhaps thought he should have been able to answer;  
12       i.e., within your area of expertise, we would duly note  
13       that and that would, I would suggest, affect questions  
14       of credibility of the witness as opposed to depriving  
15       the Board of the answer in the last instance.

16                  It is a little different from the court  
17       procedure whereby in cross-examination you could ask  
18       Mr. Monzon the question and somebody else would not be  
19       allowed to provide the answer to the court.

20                  MR. COLBORNE: I understand.

21                  Q. Mr. Monzon, I have asked you the  
22       question. Do you have any answer to that question?

23                  MR. MONZON: A. In terms of the  
24       situation, as I recall it when I was involved in  
25       planning, certainly there were a number of

1 opportunities for managers to become familiar with  
2 planning techniques and planning methodology through  
3 attendance at various symposiums either within Ontario  
4 or without.

5 There were specific courses, I believe,  
6 put on relative to public consultation and the way in  
7 which managers should be - wait a moment - no, I would  
8 have to draw back from that one.

9 I would leave it, from my recollection,  
10 that symposiums both within and outside Ontario, but as  
11 Mr. Douglas has indicated, he can probably shed more  
12 light on what is happening now.

13 MR. COLBORNE: Mr. Chairman, Mr. Douglas  
14 did speak up. Did you want to hear from him?

15 THE CHAIRMAN: If he can answer the  
16 question. Mr. Douglas, go ahead.

17 MR. DOUGLAS: Yes. One of the means that  
18 we use in the Ministry for training is a provincial  
19 technical committee for planners.

20 That involves my staff and people from  
21 each of the regions, and we have meetings two or three  
22 times a year and one of the key components of that is  
23 training, getting experience from other jurisdictions,  
24 other ministries.

25 We have had a variety of sessions in the

1 past. We have had one in the northwest dealing with  
2 tourism, we have met with Municipal Affairs dealing  
3 with some problems related to flood plains and to  
4 mineral aggregates. We had a session in Ottawa dealing  
5 with the National Capital Commission and how they dealt  
6 with inter-jurisdictional matters there.

7 This coming week we will be in Muskoka,  
8 we will be dealing with the unique problems faced by  
9 the Municipality of Muskoka and we will have, for  
10 example, the mayor of that municipality speaking to us  
11 in terms of her perspectives on the issue.

12 In terms of the branch itself, we have  
13 training for each one of the components for municipal  
14 input review, we hold seminars with the regions, we  
15 work at the regions to put them on at the districts.

16 We have particular seminars in respect to  
17 environmental assessment and the application of that  
18 Act. We also have, and continue to have, seminars that  
19 we put on with respect to communications, public  
20 involvement, that kind of thing.

21 In addition to that, there are a number  
22 of training courses Ministry staff have. They have a  
23 lands course, there is a course for foresters, there is  
24 a course for park planners, my staff go and provide  
25 lectures to those people as well.

1                   So there is an interlocking set of  
2 training and communications that go on from Toronto,  
3 involving both inside people and people from other  
4 ministries and people with other perspectives.

5                   MR. COLBORNE: Q. Mr. Monzon, part of my  
6 question had to do with encouraging managers or  
7 executives within your organization to go outside and  
8 actually be outside to breath the air out there and  
9 then come back in.

10                  Do you know what I mean --

11                  A. Sort of a management interchange with  
12 the private sector?

13                  Q. Whatever, yes. Does that happen?

14                  A. No, generally that does not happen.

15                  Q. Just as a manager, are you concerned  
16 that your people may get stifled, may suffocate just  
17 within the policy dictates of your Ministry because  
18 they aren't able to look outside it?

19                  A. I think in terms of making sure that  
20 managers and executives are continually exposed to  
21 fresh ideas and understanding of how things are done in  
22 different industries, I think that is very important.

23                  MRS. KOVEN: Excuse me, does the Ministry  
24 employ outside consultants?

25                  MR. MONZON: Yes, on particular issues



1 and particular situations, both in the -- I guess, in  
2 the planning area and also in the various resource  
3 areas.

4 MR. COLBORNE: Q. Do you find that your  
5 local managers are proficient in making these  
6 allocation decisions which, if I understand the  
7 planning process correctly, they have to make?

8 Are they successful, or do you  
9 periodically find serious errors either of fact or  
10 judgment?

11 A. My sense is that over all the local  
12 managers generally do a very good job in terms of the  
13 judgments they make relative to decision-making.

14 I mean, there are issues that continue to  
15 be of concern, the general interest, the senior levels  
16 of the organization generally hear about them.

17 Q. How do you hear about them?

18 A. You either hear about them -- well,  
19 in a variety of ways. Certainly hear about them  
20 through the press, you will hear about them through  
21 particular delegations or letters that are sent to a  
22 regional director or an Assistant Deputy Minister, and  
23 you hear about them in direct conversations, a client  
24 group, member of NOTOA speaking to a regional director,  
25 Assistant Deputy Minister, that sort of thing.

1 Q. Are you satisfied that when people  
2 out there want to complain to a higher level of the  
3 Ministry than the district, that it gets through to  
4 you?

5 You have used the example of the press,  
6 delegations and perhaps a couple of other examples.

7 A. When you say gets through to me...

8 Q. Gets through to the higher levels,  
9 the region and headquarters.

10 A. In terms of whether or not the  
11 message gets through, yes, I am satisfied by those  
12 various means. I mean, in some instances, the district  
13 manager will bring an issue to the attention of his or  
14 her regional director as well.

15 Q. The means that you referred to, the  
16 press and the delegations from interest groups and so  
17 on, those would be means that would be available to  
18 larger players either in numbers or in power; wouldn't  
19 you agree?

20 A. No, I would say that those means are  
21 available to anybody. Anybody has the opportunity and  
22 the right, if they are not happy with the decision or  
23 direction that the Ministry is taking, to dispute that  
24 decision or direction and they can do that by dealing  
25 with our district manager and, if they are not

1 satisfied, they will take it and can take it to a  
2 regional director.

3 Q. I don't believe that you understood  
4 the question. Perhaps it wasn't a clear question.

5 A. Oh, I am sorry.

6 Q. You used the examples of the press  
7 and delegations from groups or organizations. You used  
8 those as two examples of means by which the higher  
9 levels of the Ministry may learn of dissatisfaction at  
10 something done in the lower levels of the Ministry.

11 And my question was: Would you not agree  
12 that a large or powerful player has more access to the  
13 press or has more ability to organize a delegation than  
14 a smaller or a weaker player?

15 A. I would think that is generally a  
16 fair statement, but I think there is a number of  
17 situations where small groups have very effectively  
18 organized and dealt with the press or dealt with  
19 regional directors, what have you.

20 Q. So there are exceptions, but do you  
21 agree with my proposition?

22 A. I guess to some extent I would -- I  
23 would -- yes, I think I would agree generally. I think  
24 there are some situations though where, as I say, the  
25 individuals or small groups use either one of those

1 techniques very effectively.

2 Q. I have in mind the situation where  
3 there is just a person who just walks into one of your  
4 district offices and he needs something or wants  
5 something, whether it be a licence to cut timber or a  
6 decision that might protect his business or property,  
7 but he is all alone and it just a unique little thing  
8 that people hadn't thought about in the planning  
9 process, maybe it was too small to be thought about in  
10 the planning process.

11 He has your district manager to deal with  
12 or somebody under your district manager; right?

13 A. Right.

14 Q. And his appeal or her appeal is by  
15 way of somehow getting over the head of that district  
16 manager if--

17 A. That's correct.

18 Q. --he or she is not satisfied?

19 And there is no formal way of doing that.  
20 I am sure that that person is able to pick up the phone  
21 or write a letter as anybody, right?

22 A. Yes.

23 Q. But other than that, there is no  
24 formal procedure? That person who is not satisfied  
25 with the decision at your district level just has to go



1 and find some other way of getting at a solution to his  
2 problem; is that right?

3 A. Yes, although -- well, the answer to  
4 your question is yes. I mean, there are a number of --  
5 certainly at the local level, I think most of the  
6 clients that we deal with in the districts are aware of  
7 the structure of the organization and are familiar  
8 enough with it that if they don't question the district  
9 manager as to where they might go to appeal a decision,  
10 they would know that, in fact, the next level was a  
11 Deputy -- was a regional director or somebody at the  
12 regional office.

13 Now, I can appreciate that in many  
14 situations, as you have characterized it, an individual  
15 will be hesitant to do that, and I understand that.

16 There are other -- it depends on the  
17 personality of the individual and what that individual  
18 feels is at stake, and some people will feel very  
19 strongly about issues and they will take it as high as  
20 they can, and that is fine.

21 Q. We are sometimes talking about  
22 peoples' livelihoods here; right?

23 A. It could come to that, yes.

24 Q. Has the Ministry ever, as far as you  
25 know, considered implementing some kind of formality

1 where a district manager makes a decision or a district  
2 office makes a decision that a member of the public  
3 does not like?

4 A. I am sorry, I am just -- I am not  
5 following your question in terms of a formality.

6 Q. Well, a form that you fill out or a  
7 pamphlet that goes out saying: We have the power here  
8 to decide certain things, but if you don't like what we  
9 have decided here is what you should do or can do.

10 A. Oh, I see. I see. I don't recall  
11 that sort of thinking, no.

12 I don't think it would bother any of the  
13 staff to know that people are aware that that other  
14 recourse or path is open to them.

15 THE CHAIRMAN: Well, Mr. Monzon, are you  
16 indicating that even though it may not be publicly  
17 stated in a brochure or something like that, if  
18 somebody goes into a district office and is refused,  
19 say, a licence to cut, is he told by the district  
20 manager that if he does not like that decision he can  
21 go elsewhere, or is he just told by the district  
22 manager: I have made the decision, you will not get  
23 the licence, and that is the end of it; he has to  
24 search on his own for any further remedy?

25 MR. MONZON: I think in all honesty, Mr.

1 Chairman, it could be either one.

2 THE CHAIRMAN: But there is no policy  
3 that says to the district manager--

4 MR. MONZON: That thou shalt --

5 THE CHAIRMAN: --inform those people who  
6 do not like your decision that they can go to the next  
7 level which, I guess, would be the regional level?

8 MR. MONZON: No, I am not aware of a  
9 directive to that effect.

10 THE CHAIRMAN: Is that what you are  
11 getting at, Mr. Colborne?

12 MR. COLBORNE: Yes, very much so.

13 Q. And just a little follow-up on that.

14 You know, sir, that in the past - and I am not alleging  
15 for a moment that this continues today - but, in the  
16 past, and largely in the distant past, there was a  
17 perception out there of corruption where the people  
18 with the friends in high places got the licences and  
19 the people who didn't have the friends in high places  
20 didn't.

21 Do you not think, even though that  
22 perception isn't out there any more, that you can have  
23 resentment and lack of understanding from people when  
24 there are refusals, for instance, of privileges, of  
25 access to resources, but the decision has been made by

1 one person from whom there is no apparent appeal.

2 Are you just -- are you worried as a  
3 manager about the impression that leaves?

4 A. Well, I guess I am concerned about  
5 the impression of an organization that is so unfeeling  
6 as to not be prepared to consider appeals. I am not  
7 sure that that is the perception that exists now or  
8 not.

9 Q. Okay, I will leave it at that. I  
10 think you may be --

11 MR. MARTEL: Can I ask a question that is  
12 along that. Again, it is perception, so I am not  
13 making any accusations.

14 Isn't there a perception on moose  
15 licences that there is a problem, that in fact the  
16 Ministry has probably had more letters on moose  
17 licencing than anything else in the past three years?

18 MR. MONZON: Yes, that's correct.

19 MR. MARTEL: I mean, I don't think that  
20 the Ministry is all bad, but probably a bad seed.

21 MR. MONZON: And part of the difficulty  
22 is in trying to, as I believe I indicated earlier,  
23 trying to understand what the problem is. The fact  
24 that an individual would have not gotten a moose  
25 licence over the past three years is a problem.



1                   However, the fact that a system that was  
2                   set up some time ago with, at least as I understand it,  
3                   discussion on how the system would operate, is another  
4                   problem. One is locked in at this point in time to a  
5                   system that was agreed to and now isn't serving a  
6                   particular individual or individuals.

7                   So it is the extent to which one needs to  
8                   be prepared to change the system to accommodate those  
9                   needs, and if the needs are such that they are across a  
10                  large body of the population and there is evidence that  
11                  the system is not working as it was designed to do,  
12                  then we need to look at the system again.

13                  I'm not trying to confuse --

14                  MR. MARTEL: No, no, I understand. It  
15                  just goes through my head the number of letters I have  
16                  received over moose licences, more than probably  
17                  anything going and there was no apparent solution.

18                  When you ask people for input to try and  
19                  resolve it, noone had an answer how they can get around  
20                  it or to resolve it.

21                  MR. MONZON: And, you know, some people  
22                  had particular problems, you know, they may not have  
23                  got a licence at all; they may not have got a licence  
24                  to hunt in the area that they wanted to hunt in; they  
25                  may have not got a licence to hunt bulls if that was

1 the situation.

2 So, you know, it is a whole range of  
3 issues, not an easy one, but that is an example.

4 MR. COLBORNE: Q. Mr. Monzon, I want to  
5 go back to Document No. 2 in your collection. I am a  
6 little out of order here, page 35.

7 Would you agree with me that in the  
8 northwest, when you were involved with land use  
9 planning, that three of the most important concerns of  
10 status Indians were hunting, fishing and wild rice  
11 gathering?

12 A. Yes.

13 Q. Now, if I read this list that appears  
14 at page 35 and 36 of the evidence summary, this is a  
15 list prepared for purposes of this hearing, just  
16 outlining the current status of certain activities as  
17 far as the Environmental Assessment Act is concerned;  
18 is that right?

19 A. That's correct.

20 Q. And let's go to the very end of the  
21 list at page 36. We will start with a simple one,  
22 wild rice harvesting, that one not subject to  
23 environmental assessment. That's your understanding?

24 A. That is my understanding.

25 Q. Okay. Back to page 35. Four items

1 up from the bottom, wildlife management, also exempt?

2 A. Yes.

3 Q. Okay. Now, up toward the top of the  
4 list, the fourth item down, implementation of District  
5 Fisheries Management Plans. Now, that one I am a  
6 little less clear on. Can you give me an example?

7 A. Of...?

8 Q. Of a District Fisheries Management  
9 Plan. I think a witness - whether it was you or Mr.  
10 Douglas - referred to the Lake of the Woods Fisheries  
11 Management Plan - I am paraphrasing a title.

12 A. I believe that Mr. Douglas referred  
13 to fish -- District Fisheries Management Plans.

14 Q. Okay. And those are the plans that  
15 are referred to here on page 35?

16 A. That is my understanding. I think,  
17 with respect, Mr. Douglas is probably -- is more  
18 familiar with this area than I am.

19 Q. Okay. And is the plan for Lake of  
20 the Woods a District Fisheries Management Plan as that  
21 language is used here on page 35?

22 A. The only plan that I am aware of that  
23 we talked about -- my understanding of the plan for  
24 Lake of the Woods that we talked about was the General  
25 Land Use Plan for Lake of the Woods. So it was not a

1 Fisheries Management Plan.

2 I don't know if there is a Fisheries  
3 Management Plan or not for Lake of the Woods.

4 MR. COLBORNE: Mr. Chairman, just so that  
5 it doesn't get left as a loose end, I will ask Mr.  
6 Douglas if he knows anything about this.

7 THE CHAIRMAN: Fine.

8 MR. COLBORNE: Q. Mr. Douglas, District  
9 Fisheries Management Plans, I may not be recalling  
10 correctly, but I thought that it was either you or Mr.  
11 Monzon had referred to one in the Lake of the Woods  
12 area?

13 MR. DOUGLAS: A. I don't believe so.

14 Q. Okay, that is fine. Can you give me  
15 an example then - this was my question to Mr. Monzon -  
16 of a District Fisheries Management Plan in northwestern  
17 Ontario?

18 A. My question?

19 Q. No.

20 A. This would -- this either is  
21 completed or is in the process of being completed,  
22 District Fisheries Management Plan for each of our  
23 administrative districts in the northwest.

24 I am not sure of the exact status of  
25 those in that process right now. I know there is one



1 completed, for example, in southern Ontario for Owen  
2 Sound.

3 Q. Okay. So the plans for northwestern  
4 Ontario are somewhere in the preparation process, but  
5 you are not sure where?

6 A. There are some variances as you go  
7 from one area of the province to the other. I am not  
8 sure exactly where we are, but I would say that we are  
9 probably within six months or eight months of  
10 completing the draft material.

11 Q. Okay. Maybe I am asking a question  
12 here that I should look up for myself, but it says on  
13 page 35 that those management plans will -- the  
14 perparation is not subject to environmental assessment  
15 but the implementation is subject to applicable class  
16 environmental assessments and exemptions.

17 I am a little confused by that language.  
18 Can you make that clearer for me, please?

19 A. Yes. Just as we are talking about  
20 the Class EA, the timber management -- or the Fisheries  
21 Management Plan will provide a plan for the district  
22 and it will indicate a number of activities that need  
23 to be undertaken in order to achieve the objectives.

24 Some of those would include fish stocking  
25 and there is a class environmental assessment

1 identified, and when you stock fish you have to follow  
2 that class environmental assessment.

3 There is a number of other activities  
4 that you do, for example, construct fishways, there is  
5 habitat improvement, there is fisheries habitat  
6 manipulation. All these --

7 Q. That's fine, I think I have got your  
8 point.

9 Let me ask you, just so we won't spend  
10 too much time on this: Is there in contemplation  
11 preparation of a class environmental assessment of  
12 fisheries management as such, as opposed to these  
13 specific parts of it, the stocking, the fishways?

14 A. No.

15 Q. Why?

16 A. Because for fisheries it was thought  
17 most appropriate to deal with the projects that came  
18 out of the Fisheries Management Plan and make those  
19 projects subject to the Environmental Assessment Act  
20 and its requirements.

21 Q. Okay. But fisheries management, as a  
22 topic, is not going to be the subject of a Class EA?

23 A. That's not our intent, no.

24 Q. Okay. So the end result, I am back  
25 to Mr. Monzon, the end result is: Of these three areas

1 that you agreed were major concerns of status Indians  
2 in northwestern Ontario; fishing, hunting and wild  
3 rice, they are all outside of environmental assessment;  
4 is that your understanding?

5 Is that what this adds up to?

6 MR. MONZON: A. Yes, with the exception  
7 of the particular aspects of fisheries which would be,  
8 for example, fish stocking or reclamation which would  
9 be subject to a Class EA.

10 So any work undertaken of a fisheries  
11 reclamation type would have to be done subject to the  
12 conditions of that class environmental assessment.

13 Q. So if a fish stocking had anything to  
14 do with treaty rights to fish, those rights might be  
15 part of the subject of a class environmental  
16 assessment?

17 A. Yes. I can't tell you at this point  
18 as to how the issue of treaty rights are addressed in  
19 the environmental assessment, if the subject is  
20 addressed at all.

21 Q. Okay. But you have heard Mr. Douglas  
22 say there will not be a class environmental assessment  
23 of fisheries management as such?

24 A. That's correct.

25 Q. We are here now and a class

1 environmental assessment of timber management is being  
2 conducted, but the Ministry does not contemplate doing  
3 a similar thing for fisheries management?

4 A. No, that's correct.

5 Q. You are breaking it down even further  
6 than forest management has been broken down?

7 A. Well, I think it's fair to say that  
8 we have taken a different approach to it.

9 Q. I want to go forward now to your  
10 Document No. 4 that appears at page 41 of the evidence  
11 summary.

12 There is a paragraph -- the second last  
13 paragraph on the page which reads as follows, and it is  
14 under the general heading: Partnerships In Resource  
15 Management.

16 "A major premise is that those who invest  
17 their time, money and energies become  
18 more knowledgeable and sensitive to  
19 resource management issues and will be  
20 more committed to ensure results are  
21 achieved."

22 To my reading, that seems to say we would  
23 prefer to listen to what the industry says rather than  
24 people who haven't got a lot of dollars invested in the  
25 future of what we do with this resource.



1                   Do you agree that that's what it comes  
2 down to?

3                   A. Well, my sense of what it is coming  
4 down to is a question of the extent of the commitment  
5 of the people to become involved in resource management  
6 issues, and certainly the examples of the Community  
7 Fisheries Involvement Program and the Community  
8 Wildlife Involvement Program are examples where there  
9 is a commitment by not just industry, but small groups,  
10 local clubs, et cetera.

11                  Q. What about, let's say, academics,  
12 foresters, planners, biologists, the ones that are not  
13 working for the Ministry.

14                  When they come along and say: I think  
15 the Ministry is totally wrong in the way it handles the  
16 matters within my area of expertise, do you listen to  
17 that type of thing, or doesn't this tell your people  
18 not to listen to them, they don't have any money sunk  
19 in the resource?

20                  A. No, no. It's not simply a question  
21 of -- not simply a question of money. It is a question  
22 of: One undertakes public participation in order to  
23 have the most effective and the best resource  
24 management decision that can be made.

25                  So if people come along with a point of

1 view, then we are going to listen to that point of  
2 view.

3 Q. What about the press, for instance,  
4 what if an editorial appears saying: MNR is really  
5 wrong this time, does this direct your people to ignore  
6 them because they don't really have anything sunk into  
7 the utilization of the particular resource?

8 A. No, the expression in the press of an  
9 opinion is reflective of a body of opinion that exists  
10 in the public outside the Ministry, and the Ministry  
11 has to be aware of that and has to take that into  
12 account.

13 So it is not simply a matter of  
14 dismissing things or items, articles that appear in the  
15 press out of hand. It is a question of: Where is that  
16 body of opinion and what are the issues that they want  
17 to see dealt with.

18 Q. What about Indians from impoverished  
19 communities where there is practically no employment  
20 and so on?

21 If they say, for instance: Why don't we  
22 get anything from this forest industry that is  
23 happening down the road, does this tell your local  
24 people to not to listen to them because they don't have  
25 anything invested in the exploitation of that resource?

1                   A. This doesn't tell our people not to  
2 listen to them. As I indicated earlier, one of the  
3 goals of the Ministry indicates the attempt to provide  
4 opportunities. So it is not a question of providing  
5 direction and your example to "not listen".

6                   Q. What about citizen environmental  
7 groups who may have a view that you consider  
8 impractical or idealistic about use of the forest, does  
9 this tell your people to ignore them because they don't  
10 have anything invested in what they are talking about?

11                  A. Oh no, not at all. Again, I would go  
12 back to the reason for public consultation, which is to  
13 produce better resource management decisions.

14                  Certainly if there is an environmental  
15 group that comes forward with a particular point of  
16 view, we are going to have to listen to what that point  
17 of view is.

18                  In all likelihood, we are going to have  
19 to meet, to have a series of meetings with that group  
20 in order to make sure that we understand their issue  
21 and whether or not there is any opportunity for  
22 movement one way or another, if it is a situation where  
23 the Ministry has taken a position from that position.

24                  If a position has not been taken and it  
25 is just, if you want, a philosophical difference at

1 this point in time, it hopefully would involve the  
2 working together to sort out the best decision relative  
3 to the resource and the people concerned.

4 Q. Isn't there a danger of just caving  
5 in to whatever group can put the most pressure on? How  
6 do you balance that one out?

7 A. We balance it -- we attempt to  
8 balance it on the basis of the validity of the opinion  
9 and the rationale and the logic of the issues as they  
10 are presented.

11 I think -- you made the reference earlier  
12 to the individual who comes in to talk to a district  
13 manager and, you know, he is -- he or she is one person  
14 and how do they deal with the bureaucracy, I think is  
15 really where it was coming to.

16 You know, we have got to be in a  
17 situation where we are guarding against - because there  
18 is a lot of press - that one automatically moves too  
19 far to one way.

20 It is really important that in any  
21 situation that we define what the issue is and  
22 understand what the issue is and we understand the  
23 logic and the rationale behind the particular position.  
24 If we understand that, then we can deal with that.

25 I am not suggesting for a moment that in



1 terms of all of the decisions this Ministry makes it  
2 always makes the best one in terms of all of those  
3 situations, but I would suggest that the Ministry is  
4 working very hard to make better and better decisions  
5 and --

6 Q. What uniquely gives the Ministry the  
7 great wisdom of Solomon practically to make all these  
8 decisions? What's special about the Ministry as  
9 opposed to somebody else, anyone else, an independent  
10 Board, some kind of appeals tribunal, anything like  
11 that?

12 Why is it that the Ministry -- the setup  
13 that we have without any branches going off anywhere  
14 else is uniquely capable of making all these decisions?

15 A. I think that one of the things I have  
16 attempted to indicate is that the Ministry more and  
17 more has to seek the outside opinion and has to seek  
18 the outside solutions and problems that people and  
19 groups have.

20 Q. Let me change the subject just a  
21 little bit, then. There was an outside look at what  
22 the Ministry of Natural Resources was doing by way of  
23 the Royal Commission on the Northern Environment; is  
24 that correct?

25 A. Yes, that's correct.

1 Q. How would you describe the  
2 relationship between the Ministry of Natural Resources  
3 and the Commissioners who conducted that Royal  
4 Commission?

5 A. Oh, I think there was a mutual  
6 respect on both sides for the mandate that each had.

7 Q. Would you say that the relationship  
8 was warm and friendly?

9 A. I would say it was cordial.

10 Q. Therefore, it wasn't hostile?

11 A. I don't think it was hostile. We may  
12 not have always agreed with all of the recommendations  
13 that Mr. Fahlgren made, but there was certainly no  
14 doubt as to the resolution of his intentions and the  
15 concern on his behalf to fulfill his mandate.

16 Q. During the course of that commission,  
17 would you not agree with me that there were, in many  
18 cases and on many topics, highly strained relations  
19 between your Ministry and the Royal Commission?

20 A. To be honest, Mr. Colborne, you are  
21 going a little ways back now and it is a tough one for  
22 me to answer. I really don't know and I don't know how  
23 to characterize it.

24 I can recall having met with Mr. Fahlgren  
25 on at least two occasions and I would characterize

1 those meetings as cordial and mutual respect.

2 In terms of other situations that you may  
3 be aware of, I can't comment on them.

4 Q. I would like to go forward now to the  
5 next document in your evidence summary, this is No. 7,  
6 the Guidelines for Land Use Planning, 1974. At page 54  
7 in the evidence summary, page 3 of the document  
8 itself --

9 MR. FREIDIN: I am sorry, which document  
10 was that?

11 MR. COLBORNE: Document No. 7 in the  
12 evidence summary, and I am now looking at page 54 of  
13 the summary at page 3 as the document is paged.

14 At the top of the page there is a large  
15 Roman numeral II --

16 MR. FREIDIN: That's part of Document 5.  
17 The 1984 Guidelines are Exhibit 10 and these are the...

18 MR. COLBORNE: 1974.

19 MR. FREIDIN: 1974.

20 MR. COLBORNE: Correct. Document No. 5.

21 Q. But in any event, page 54 of the  
22 evidence summary, there is a reference there to The  
23 Planning Principles and a planning principle which is  
24 phrased as follows, No. 7:

25 "The public good must take precedence

1 over the good."

2 If you go forward to page 56, that is two  
3 pages further, there is a short paragraph there that,  
4 if I understand the structure of this document,  
5 elaborates on what that point means.

6 A. That's correct.

7 Q. That paragraph says:

8 "The principle of the public good being  
9 more important than the private good is  
10 well established. This is the basis for  
11 property expropriations for highways,  
12 power lines, etc. It is well understood  
13 by the public and provided it is applied  
14 with fairness no serious problems will  
15 result. However, it should be realized  
16 that objections from the individuals  
17 directly affected will still be made."

18 A. That's correct.

19 Q. The Exhibit 10 has a similar  
20 statement --

21 Excuse me, Mr. Chairman, I have lost a  
22 paper right here and I don't have my Exhibit 10.

23 THE CHAIRMAN: Do you want to borrow this  
24 one?

25 MR. COLBORNE: Thank you.



1                   Q. Exhibit 10, at page 6, repeats the  
2 same principle and has a brief paragraph explaining it  
3 which I will read, same page:

4                   "Historically, all rights to land in the  
5 Province are vested in the Crown and only  
6 subsequently to private owners. It is  
7 the Crown which bestows to the individual  
8 the right to use land."

9                   My question to you is: Are Indian land  
10 and resource use rights considered by the Ministry to  
11 be part of the public good or the private good?

12                  MR. MONZON: A. I would consider them --  
13 it may be that Panel 6 is going to speak to this, but I  
14 think they would be considered to be part of the terms  
15 of Indian lands and the resources thereon, I think,  
16 they would be considered to be part of the private  
17 group.

18                  Q. This Document No. 5 contains within  
19 it a fairly lengthy discussion of public participation,  
20 which begins at page 60 of the evidence summary.

21                  Now, some of that discussion does not  
22 appear in Exhibit No. 10 in any form. It was, I am  
23 sure, for good reasons - which I have no questions on -  
24 just not part of Exhibit 10.

25                  But I want to ask you if it still applies

1 to any extent? Towards the bottom of page 60 and  
2 continuing at the top of page 61 there are passages or  
3 paraphrases really from a paper by a Sherry R.  
4 Arnstein. Do you have the--

5 A. Yes.

6 Q. --passages that I am referring to?

7 The first paragraph -- or excuse me, the  
8 last paragraph on page 60 refers to the first level as  
9 the first level of participation and it calls it, in  
10 fact, non-participation and says:

11 "...is typified by manipulation of public  
12 opinion through the use of public  
13 relations and advertising techniques.  
14 This is a process of selling a product  
15 rather than real participation."

16 Now, aside from the fact that some of  
17 those terms are loaded, don't you agree that MNR does a  
18 lot of that, a lot of essentially public relations and  
19 advertising?

20 A. I suppose it depends on your term of  
21 public relations. Certainly there is a degree of  
22 public relations that is done by the Ministry and  
23 certainly there is advertising.

24 We do that, you know, in terms of the  
25 provincial park system, we make people aware it is

1 there and where they can go for camp sites and that  
2 sort of thing.

3 Q. I am not talking about that, I am  
4 talking about things like Exhibit 27. This is the  
5 document that you produced last week.

6 A. Yes.

7 Q. Would you call this just something in  
8 the nature of public relations and advertising?

9 A. Yes.

10 Q. Now --

11 A. Understanding that the reason behind  
12 this document is to attempt to tell people a little bit  
13 more about public involvement and what those  
14 opportunities are in the land use and resource  
15 management planning.

16 Q. Well, isn't it also there to tell  
17 people how terrific the Ministry of Natural Resources  
18 is. I mean, really.

19 On page 1 it says:

20 "The Ministry of Natural Resources  
21 believes that public involvement is  
22 essential to good resource management."

23 At page 5 it says:

24 "The Ministry of Natural Resources is  
25 committed to public involvement."

1 At page 8 it says:

2 "MNR has a strong commitment to public  
3 involvement."

4 I mean, that's in a nine-page document.  
5 You have said the same thing three times, not about the  
6 public, but about MNR.

7 A. Well, certainly the message we are  
8 trying to get across in this document is that the  
9 Ministry believes in it and wants people to get  
10 involved.

11 Q. Do you have your copy of this  
12 document?

13 A. Yes, I do.

14 Q. Could you look at the page following  
15 the title page, this is the page preceding page 1.  
16 Now, there are some code numbers at the top of that  
17 page?

18 A. Yes.

19 Q. I don't know how to read those code  
20 numbers, but my uninformed reading of the second line  
21 says that there were 22,000 of these printed?

22 A. I don't know.

23 Q. Who would know?

24 A. Somebody in our Communications  
25 Section, I am sure.



1 Q. Okay. PR, do you know what P.R.  
2 means?

3 A. No.

4 Q. 88 03 31, I hope I am right in  
5 assuming that that's the date?

6 A. I would agree that's what it looks  
7 like, I just don't know for sure what any of those  
8 numbers mean.

9 Q. Okay. Well, maybe you will go along  
10 with me this far, that we can assume that 88 03 31  
11 means March 31st, 1988?

12 A. It certainly looks that way.

13 Q. Do you know if this was prepared with  
14 this hearing in mind?

15 A. I think Mr. Douglas would be better  
16 able to answer that than I would.

17 Q. Mr. Douglas?

18 MR. DOUGLAS: A. That document was  
19 prepared because of a NOTOA convention in 1986 in which  
20 there were questions asked by NOTOA about what is the  
21 Ministry's planning system and how can we participate.

22 The Deputy made a commitment at that time  
23 that it was - based on the questions he received -  
24 that probably we should be putting a document together  
25 for the general public which would explain our

1 different levels of planning and how the public would  
2 get involved.

3 So that document has been prepared for  
4 that purpose, not specifically for this hearing.

5 Q. Mr. Douglas, since you know about the  
6 origins of the document, do you know what 22k and P.R.  
7 mean?

8 A. No, I don't specifically know.

9 MR. MARTEL: Can I ask you a question  
10 about this document because I read it on the weekend  
11 and I am confused.

12 You have page 2 and 3 Strategic Land Use  
13 Planning, and then you have guidelines. I am not a  
14 planner, and maybe you can help me, why would the  
15 planning come before the guidelines?

16 Would the guidelines not lead to planning  
17 for a specific area rather than the reverse?

18 As I say, I am not a planner, but it  
19 seems to me that you would have guidelines and you  
20 would make those guidelines work for you when you are  
21 planning a specific area. This seems to be the reverse  
22 of the process.

23 MR. DOUGLAS: I think we may be confusing  
24 the subject by using the guidelines in two senses. One  
25 would be the guidelines on a process and how to

1 undertake a process, such as land use planning  
2 guidelines or the resource management planning  
3 framework. That's are process guidelines.

4 On the other hand, we have the District  
5 Land Use Guidelines which are a document which Mr.  
6 Monzon described -- sorry about that, if I can just  
7 quickly go through it - the Strategic Land Use Planning  
8 are the Northwest and the Northeast Strategic Land Use  
9 Plans Mr. Monzon spoke about, the District Land Use  
10 Planning that led to the District Land Use Guidelines,  
11 such as the Wawa Guideline.

12 And then the resource management  
13 planning, that would be the level such as the Timber  
14 Management Plans or Fisheries Management Plans.

15 MR. MARTEL: What's confusing me then is  
16 land use planning and, quite frankly, I am getting all  
17 mixed up.

18 Maybe I am just -- but I just get mixed  
19 up. I try to sort these various plans and how you  
20 plan, and I am trying to keep some kind of order in how  
21 you do it.

22 The more I read, quite frankly, the more  
23 mixed up I get. Maybe I am alone in this process but,  
24 as I say, I read this because I thought it was going to  
25 clarify things for me and I came away more confused

1       than ever. I don't know if I am alone.

2                   MR. DOUGLAS: Perhaps we are creating a  
3       problem with our terminology.

4                   In terms of -- the categories of  
5       documents that we speak about is one set which  
6       indicates how plans are prepared and for the land use  
7       planning level, you have the document you just raised,  
8       the 1980 Guidelines for Land Use Planning. They tell  
9       you how to go about land use planning; not what the  
10      plan looks like when it is finished, but how to go  
11      about it.

12                  Similarly, at the resource management  
13      planning level, I described the Framework for Resource  
14      Management Planning. Now, how to go about it.

15                  Each of those processes will lead to a  
16      product. One is a land use plan or a land use  
17      guideline, the other is a resource management plan.

18                  MR. MARTEL: Mr. Douglas, if I asked you  
19      if you could prepare me on one sheet of paper something  
20      on how you develop each of those, would you do that for  
21      us?

22                  MR. DOUGLAS: Be pleased to.

23                  MR. MARTEL: Quite frankly, I am trying  
24      to keep it straight, but as you go in each direction, I  
25      am having difficulty, quite frankly.



1 I don't want to have in my head something  
2 that isn't factual going around there, but it is  
3 spinning its wheels, quite frankly, in my head anyway.

4 MR. DOUGLAS: Sure.

5 MR. COLBORNE: Q. Mr. Douglas, since I  
6 have the privilege of standing here at this moment, I  
7 want to follow that one up, but I will be asking more  
8 questions along these lines.

9 Since it is expressly before us now,  
10 isn't it true that we are not talking about District  
11 Land Use Plans any more, we are talking about District  
12 Land Use Guidelines simply because MNR didn't want  
13 environmental assessment, so you changed the name; just  
14 like you changed the name from forest management to  
15 timber management?

16 MR. DOUGLAS: A. Mr. Monzon, in response  
17 to a question the other day, indicated that the change  
18 in name was because the Minister had indicated what the  
19 intent of using those guidelines were, and he read into  
20 the record both the statement that Mr. Pope made to the  
21 Royal Commission on the Northern Environment, as well  
22 as a statement made to that Commission by the --

23 Q. You are not answering my question,  
24 sir, and I remind you that you are here under oath.  
25 You are not here to spout Ministry policy, you are here

1 to answer questions and answer them truthfully and  
2 fully.

3 I asked you: Isn't it true that the  
4 change from land use plans -- District Land Use Plans  
5 to District Land Use Guidelines was made expressly to  
6 duck environmental assessment; yes or no?

7 MR. DOUGLAS: A. I was not involved in  
8 that process at that time.

9 Q. Thank you. Thank you.

10 Now, Mr. Monzon, I want to go back to  
11 your document No. 5. I was looking at the bottom of  
12 page 60 and the top of page 61, and now I want to ask  
13 you about the paragraph at the top of page 61.

14 Here we are referring to the second  
15 level, being the second level of public participation,  
16 and here it is called tokenism.

17 "...it involves informing and consulting  
18 the public on issues, but no real  
19 dialogue takes place, and there is no  
20 sharing of the decision-making  
21 responsibility."

22 Now, aside from the fact that the word  
23 tokenism is loaded and so on, do you agree that MNR  
24 does some of that?

25 MR. MONZON: A. Well, certainly that, to

1 some degree, has been what the Ministry was doing in  
2 the past, and certainly that was the perception of  
3 people and that is one of the reasons that we are, as I  
4 indicated earlier, trying to change.

5 Q. There is no sharing of  
6 decision-making responsibility. How are you trying to  
7 change your process to share decision-making  
8 responsibility?

9 I thought -- my understanding of all the  
10 evidence I have heard is that MNR wants to retain all  
11 of the decision-making authority absolutely. You don't  
12 mind listening to people, you don't mind consulting  
13 with them, you don't even mind two-way dialogue, but  
14 you want to make all the decision; isn't that...

15 A. Well, part of the two-way dialogue is  
16 attempting to work out the appropriate decision.

17 Q. But there is a difference between  
18 making a decision and obtaining information.

19 Are you really saying that MNR is  
20 prepared to share its decision-making responsibility?

21 A. I have indicated the way in which --  
22 that we are trying to do that.

23 Q. Okay. You are trying to do that in  
24 FMAs, I agree, you are sharing with industry, but other  
25 than that?

1                   The decision-making process, that point  
2                   in time where you have to decide, does A get it or does  
3                   B get it, or do we split it up some other way?

4                   A. Well --

5                   Q. Give me an example of sharing that  
6                   with anybody other than the forest industry?

7                   A. I would, again point, to, for  
8                   example, the Community Fisheries Involvement Program  
9                   where the groups --

10                  Q. Well, sir, you can point to that, but  
11                  you haven't given us any evidence about that and so  
12                  that is just a label.

13                  MR. FREIDIN: Maybe you should give him  
14                  an opportunity to answer the question.

15                  MR. COLBORNE: He has already used that  
16                  as an example, but it is something that we have nothing  
17                  before us on --

18                  THE CHAIRMAN: That is true, Mr.  
19                  Colborne, but in trying to answer your question in  
20                  asking for a specific example, I think it is fair for  
21                  him to point out, within his knowledge, of some area  
22                  where he believes the Ministry is sharing a  
23                  decision-making function.

24                  MR. COLBORNE: Very well.

25                  THE CHAIRMAN: You may not be satisfied



1 with the name he has given to it because you have not  
2 heard anything about that specifically, but that is his  
3 answer.

4 MR. COLBORNE: Okay.

5 Q. Sir, you were referring to Community  
6 Fisheries Programs, I think.

7 MR. MONZON: A. In situations where a  
8 local fisheries group or a club will come to the  
9 Ministry with a proposal, there will be dialogue  
10 between the Ministry and the organization about the  
11 best way to do this, and it may be the establishment of  
12 a wall-eye rearing pond.

13 Once there is agreement on how to do it,  
14 then there is a sharing of, if you want, resources in  
15 terms of labour being supplied by the club and the  
16 Ministry providing works and lumber, or what have you,  
17 and the work is carried out.

18 But I would indicate that that is an  
19 example of sharing the decision making where two  
20 parties come together and agree on a project.

21 THE CHAIRMAN: But is it really a  
22 sharing, in any event? I mean, doesn't the Ministry,  
23 even with FMAs, have the final decision; doesn't it  
24 have the authority to sanction those agreements?

25 MR. MONZON: Certainly the Minister has

1       that authority, that's correct.

2               THE CHAIRMAN: I mean, the only type of  
3       sharing that I can see, Mr. Colborne, is perhaps these  
4       proceedings themselves where this Board has a  
5       decision-making function and not just the Ministry.

6               MR. MONZON: I would agree, Mr. Chairman.  
7       I think though that in the carrying out of FMAs there  
8       are probably a number of situations - and I am not the  
9       one to speak to it - whereby a decision will be taken  
10      to do something on a particular piece of land and there  
11      will be discussion between the various parties on the  
12      best way to do that.

13              THE CHAIRMAN: But who actually makes the  
14      decision; it shall or shall not be done?

15              MR. MONZON: The final analysis, that  
16      comes down to the Ministry and the Minister. But in  
17      terms of where a road should be located as to whether  
18      it should go this way or this way or this way, and  
19      discussion between all of the effected parties relative  
20      to the resource value, the attempt is to come to a  
21      decision that everybody is pleased with.

22              THE CHAIRMAN: That is on the basis of  
23      input?

24              MR. MONZON: Yes.

25              THE CHAIRMAN: But the decision "yes" or

1 "no" still resides in the Ministry?

2 MR. MONZON: The ultimate decision of yes  
3 or no resides in the Crown, that's correct.

4 THE CHAIRMAN: And I would suggest the  
5 same is the case with the Community Fisheries Programs?

6 MR. MONZON: Yes.

7 THE CHAIRMAN: They may have input, but  
8 you make the decision or the Ministry does.

9 MR. MONZON: The ultimate decision in  
10 those sorts of situations rests with the Crown.

11 THE CHAIRMAN: Is that in any way, Mr.  
12 Colborne, abnormal in the sense that the Ministry is  
13 given the responsibility under the various legislation  
14 to manage this area?

15 MR. COLBORNE: The only thing that is  
16 abnormal about it is the size and complexity of this  
17 area. We are talking about something that I think is  
18 about the size of France - although I would have to  
19 look that up - and we have a group of 5,500 people  
20 under a very practically military organization that run  
21 it like an occupying army, that is the reason.

22 THE CHAIRMAN: Well, who would you  
23 suggest could make the decisions other than the  
24 Ministry?

25 I mean, bearing in mind the statutory

1 responsibilities it has, is it not given those  
2 responsibilities by statute?

3 MR. COLBORNE: I don't know if it is  
4 given the responsibilities to plan by statute. I know  
5 that it has the responsibility to manage by statute,  
6 although it is a very convoluted type of statute.

7 THE CHAIRMAN: And are you suggesting  
8 that it would have, necessarily, the authority to  
9 delegate any decision-making responsibilities to  
10 anybody else?

11 MR. COLBORNE: I think --

12 THE CHAIRMAN: I mean, what I am trying  
13 to get at is: I can understand your questioning the  
14 amount of input the Ministry receives, the degree to  
15 which it places weight on that input; i.e., how that  
16 input affects its decision-making process, but I am  
17 having some difficulty in ascertaining your questions  
18 with respect to asking whether or not the Ministry  
19 shares this decision-making function with anybody else.

20 And I would suggest that it probably does  
21 not, and I would also suggest that it probably does not  
22 have the right to do so.

23 Somebody has to bear responsibility, you  
24 know, the buck stops somewhere, and I would suggest,  
25 under the legislation, the buck stops with the Ministry



1 in terms of the decision.

2 Now, what goes into that decision and  
3 what factors influence the Ministry in making that  
4 decision is, you know, an area that can be the subject  
5 of some debate and I think that is where you are going,  
6 but...

7 MR. COLBORNE: The statutory authority of  
8 the Ministry is so convoluted that I have a hard time  
9 addressing this point that you are raising.

10 Certainly with respect to timber -- or,  
11 excuse me, forests, there are Forest Management  
12 Agreements which is a contractual delegation  
13 practically, that is what it appears in terms of a lot  
14 of low level decision-making on very large areas of  
15 land.

16 THE CHAIRMAN: Well, it may be  
17 contractual, but surely a forest management company  
18 couldn't dictate anything to the Ministry with respect  
19 to an agreement that the Ministry would not agree to.

20 MR. COLBORNE: Yes, I agree with that,  
21 the Ministry would have the final say, no matter what.

22 THE CHAIRMAN: And is that not making a  
23 decision?

24 In other words, when the Ministry enters  
25 into such an agreement, are they not making a decision

1 to the effect that they believe that agreement to  
2 fulfill whatever purpose they think the agreement  
3 should and, therefore, I am making a decision to enter  
4 into it?

5 MR. COLBORNE: Yes, if it is purely a  
6 matter of policy that doesn't touch the environment in  
7 a practical way, I think I agree with the way that you  
8 have characterized it, the Ministry has the legislative  
9 power to do that and it is not abnormal either.

10 THE CHAIRMAN: Right. That is all I am  
11 saying. I do not think it is abnormal under the  
12 legislation for the Ministry to make the decision.

13 Now, the basis upon which it makes the  
14 decision and the degree to which the input it receives  
15 affects those decisions, I think, can be the subject of  
16 debate, and that is part of what is before this  
17 hearing.

18 MR. COLBORNE: Yes.

19 THE CHAIRMAN: Unless you can show us  
20 that somebody else should have the decision-making  
21 power and has the right to have that decision making  
22 power.

23 MR. COLBORNE: Well, I don't think it is  
24 within the authority of the Board to delve into  
25 questions of policy which are, in fact, properly dealt

1 with by the Cabinet of Ontario, for instance, and even  
2 more so, into questions of policy that are properly  
3 dealt with in the legislature.

4 THE CHAIRMAN: Well, just hold on there.

5 MR. COLBORNE: Okay.

6 THE CHAIRMAN: I may have a disagreement  
7 with you there, as well.

8 It is my understanding that the Board, in  
9 arriving at its decision, must consider policy but is  
10 not necessarily slavishly bound by it. I am trying to  
11 paraphrase some words I think used by the court in the  
12 Barrie Annexation case some years ago.

13 That indicates that Provincial Boards  
14 should have and take cognizance of provincial policy  
15 but, as I understand it, are not necessarily bound by  
16 it.

17 Now, perhaps counsel might like to argue  
18 that out at some point down the road, but that I think  
19 is the result of a fairly authoritative court decision  
20 on the relationship of Boards in government policy in  
21 general.

22 MR. COLBORNE: Well, may I pursue that  
23 for a moment, then.

24 In the report of the Royal Commission on  
25 the Northern Environment there is a recommendation that

1       there be entities called northern development  
2       authorities which would, in fact, have certain powers.

3               Now I, in responding to your earlier  
4       points, didn't really want to get into that because I  
5       thought I was into an area which you would consider far  
6       beyond your jurisdiction.

7               But maybe not, maybe I should say in  
8       answer to your question, at least one person who has  
9       studied the question with great care has said that  
10      somebody other than MNR should have, in fact, certain  
11      powers and not purely by contract.

12              I think the recommendation is that it be  
13      done by statute, that there be a whole review level, as  
14      it were, that's independent of MNR that has some powers  
15      to oversee what MNR is doing, so it is not out there  
16      alone, because anything that big with that kind of  
17      power, if it makes mistakes, they are going to be very,  
18      very large mistakes.

19              THE CHAIRMAN: Well, I would just suggest  
20      to you, Mr. Colborne, that that is exactly what this  
21      Board, I think, is charged to do in terms of this Class  
22      EA.

23              MR. COLBORNE: All right. I was going to  
24      ask these witnesses about that particular  
25      recommendation. I am not there yet.



1 THE CHAIRMAN: Okay.

2 Well, we are at a quarter to seven, would  
3 this be a convenient time to break?

4 MR. COLBORNE: Yes, it would.

5 THE CHAIRMAN: And try to explore all of  
6 this first thing tomorrow morning?

7 MR. COLBORNE: Well, Mr. Chairman, I was  
8 sort of working my way through this  
9 document-by-document. I have a couple of more  
10 questions on this Document No. 5.

11 THE CHAIRMAN: All right, let's do that.

12 MR. COLBORNE: Could I do that?

13 Q. At page 71, Mr. Monzon, the second  
14 paragraph under the heading Present Use says -- page 71  
15 of the witness summary, page 20 of Document No. 5.

16 A. Mm-hmm.

17 Q. The second paragraph under the  
18 heading Present Use says:

19 "The main purpose of analyzing present  
20 use is to provide the starting point for  
21 policy formulation because present use is  
22 the best indicator of current policy.  
23 Therefore any new policy must either  
24 confirm or deny the present uses.  
25 Policy must also deal with problems and

1 issues and provide for future users."

2 Now, I don't think that similar -- I  
3 don't think identical language appears in the updated  
4 version of this, but do you agree, generally speaking,  
5 that your planners should start with present use and  
6 that present use is the best indicator of what the  
7 current policy of the province is with respect to use  
8 of that land?

9 MR. MONZON: A. Well, it certainly --  
10 yes, I would certainly agree with that, particularly  
11 your use of the term indicator.

12 Q. Okay. Now, I am going to ask you in  
13 regard to that approach, that present use approach,  
14 where Indian traditional uses fit in.

15 Now, if your people look at a piece of  
16 land and say: Well, we have, for instance, a  
17 traditional Indian fishery on this lake, are your  
18 people supposed to assume that its current policy that  
19 that use continue, and are your people supposed to  
20 prepare their plans and so on on the assumption, you  
21 know, it would be changed if there were other factors,  
22 but on the assumption that that use should continue?

23 A. If you have a fishery on a particular  
24 lake that is Indian or otherwise, then there should be  
25 good reason, why in the development of a land use plan,

1       that decision should be taken to remove the fishery.

2                   Q.   Okay.  But in regard to those Indian  
3       traditional uses, how do you determine if they are  
4       there or not, how do your district people find that  
5       out?

6                   A.   Well, certainly there is information  
7       in terms of test information on file as to which or who  
8       holds the licences relative to particular fisheries.

9                   Q.   Okay.  You are talking about  
10      commercial licences?

11                  A.   Yes.

12                  Q.   Okay.  What about where there is no  
13      commercial licence but there is a fishery; how do you  
14      know if it is there or not?

15                  A.   I am sorry...?

16                  Q.   How do you know if it is there or  
17      not?

18                  A.   The only way you would -- the only  
19      ways that I could think of quickly which you would know  
20      if it was there or not is in terms of experience,  
21      having been in the district and having staff in the  
22      district who know what is going on and, secondly, by  
23      asking the Indian bands involved.

24                  Q.   Is that done?

25                  A.   The asking?

1 Q. Yes.

2 A. Well, certainly there is attempts  
3 made to talk to the various bands to look at what uses  
4 are on-going.

5 Q. I am correct, am I not, that there is  
6 no such thing as traditional Indian land use maps that  
7 MNR prepares and maintains?

8 A. I think you would be correct.

9 Q. Why not?

10 A. There are maps that relate to - and  
11 my memory may be rusty - but relate to traditional wild  
12 rice harvesting areas, for example, in the northwest  
13 and perhaps other parts of the province.

14 The commercial fisheries that would be  
15 identified would be -- there would be knowledge as to  
16 whether or not those were -- those licences were held  
17 by Indians or not.

18 Q. Yes, but that is commercial.

19 A. Okay. And I can't -- my mind doesn't  
20 permit me to recall the distinction between commercial  
21 and native fisheries, although I think I understand  
22 what you mean, I just -- this isn't an area that I am  
23 right up on.

24 Q. Now, I am just suggesting, I guess,  
25 that despite all the rhetoric that appears here and



1       there, you don't have any system of going out and  
2       finding out this information, do you, it is all pretty  
3       rough, as you say?

4                   A.   I didn't say it was rough.

5                   Q.   Your recollection was rough, I am  
6       sorry.

7                   A.   The memory and the system are two  
8       different things.

9                   Q.   There are no maps

10                  A.   There are no maps.   I don't believe,  
11       although I could be corrected, that there are maps that  
12       talk about traditional or native uses.

13                  There are maps which talk to -- or which  
14       point out the various uses that go on relative to a  
15       particular resource; there is information which is  
16       broken down from that, those maps which indicate who  
17       has the licences, the purposes for which the licences  
18       are, how much, all of that sort of thing.

19                  Q.   When your people at the district  
20       level are talking to a forest company, for instance,  
21       about what is going to be done, what areas are going to  
22       be cut, what are not going to be cut this year, 10  
23       years from now and so on and so forth, do they have  
24       before them files or maps or anything that show the  
25       traditional Indian uses in that area?

1 A. I don't know.

2 Certainly in some areas where we know it  
3 is common knowledge that an Indian community will take  
4 or will utilize, you know, an amount of wood sort of  
5 year after year, that information is available and is  
6 factored into whatever decision-making is made.

7 Q. How is that information gained?

8 A. It would be gained through records in  
9 terms of the amount of timber cut.

10 Q. Well, what about if you are back in  
11 the bush, your people haven't been there and the wood  
12 has just been cut, there are a lot of very isolated  
13 Indian reserves.

14 A. In most most cases, we will have some  
15 knowledge as to what is going on and whether there is  
16 any cutting in fact going on,

17 There may be situations, as you suggest,  
18 I am not disputing that.

19 Q. Do you ever go to Indian reserves and  
20 say to the people there: Would you please mark on  
21 these maps what uses you are making of the land and  
22 exactly where and what type?

23 A. I believe that we attempted to do  
24 that sort of thing as part of the West Patricia land  
25 use planning exercise.

1 Q. Other than that?

2 A. I believe that we attempted to do it  
3 relative to wild rice on Lake of the Woods.

4 Q. But -- okay, you have given me two  
5 particular examples, but as a matter of general  
6 approach, is this something that is done by the  
7 Ministry or not?

8 A. Given that there is not a directive  
9 on it, I couldn't say that every district manager does  
10 do it or doesn't do it. They may or they may not, and  
11 we would have to look at the particular situations.

12 Q. Sir, you are a planner. Are you  
13 familiar with the literature on traditional resource  
14 use, mapping and planning?

15 A. I believe I used to be.

16 Q. And would you agree with me that it  
17 is generally considered that this type of mapping and  
18 planning is a major undertaking?

19 A. Yes.

20 Q. That a lot of work has to -- a lot of  
21 careful work has to be put in in order to get it right?

22 A. Yes, depending on the amount of  
23 information that is known in a particular area.

24 Q. And do I understand your testimony  
25 correctly to be that the Ministry of Natural Resources

1 within the area of the undertaking does not do that  
2 routinely, does not collect that information to do that  
3 mapping and planning routinely?

4 A. That we don't keep the background  
5 information data up to date?

6 Q. No, you don't actually carry out  
7 native resource use inventorying and mapping and  
8 planning and evaluation and that type of thing?

9 You don't actually go and find out where,  
10 for instance, the blueberries are picked by such and  
11 such a band and mark that on a map and keep it up to  
12 date?

13 A. To be on honest, Mr. Colborne, I  
14 don't know.

15 Q. I am very curious about why you  
16 wouldn't know that. You have been in land use planning  
17 for years and years; if you don't know that, who would?

18 A. Well, with respect, I haven't been in  
19 land use planning for the last four and half, and to  
20 the extent to what information the districts are  
21 keeping and how they collect it is not an area that I  
22 am particularly responsible for right now.

23 Q. You were qualified without objection  
24 here as an expert in land use planning.

25 Do I take it then that you consider



1       yourself an expert in the principles of land use  
2       planning but not in its execution by the Ministry, in  
3       all respects?

4               A.   No, you are asking a question as to  
5       what the practice is in particular districts at this  
6       point in time, and I am telling you that I don't know  
7       what the specific practice is in districts at this  
8       point in time.

9               Whether or not districts keep information  
10      and tabulate information in the way in which you are  
11      asking, I just don't know that information. There may  
12      be areas in the province where district managers do  
13      that, I don't know.

14              Q.   I would have to go to the district  
15      managers to find out?

16              A.   Yes, I would expect so.

17              THE CHAIRMAN:  Mr. Freidin, you are going  
18      to be calling witnesses later, are you not, to deal  
19      with the preparation and formulation of specific plans,  
20      like district plans?

21              MR. FREIDIN:  Specific timber management  
22      plans, that is Panel 15. There will also be evidence  
23      of this probably in the appropriate area, for example,  
24      in Panel No. 7 which indicates the type of background  
25      information that is available, can be made available,

1 or can be obtained within the management unit to form  
2 the basis of background information and....

3 THE CHAIRMAN: And that will be current;  
4 will it not?

5 MR. FREIDIN: Yes.

6 THE CHAIRMAN: That will be as to the  
7 current practice of what the Ministry does and what it  
8 relies on to formulate the plan?

9 MR. FREIDIN: Primarily, yes.

10 Again, there may be a few other things  
11 that are added in Panel 15 actually dealing with the  
12 actual planning process itself.

13 Q. MR. COLBORNE: Those are my questions  
14 on that document, Mr. Chairman.

15 THE CHAIRMAN: Thank you, Mr. Colborne.

16 Well, ladies and gentlemen, we will  
17 adjourn for the evening and return tomorrow morning at  
18 9:30 a.m.

19 Thank you.

20 ---Whereupon the hearing adjourned at 7:05 p.m., to  
21 reconvene Wednesday, May 25th, 1988, commencing at  
22 9:30 a.m.











